The Cochin Agriculturists' Relief Bill.—*(cont.)*

Mr. President: Under the Standing Order the third reading of the Bill can be taken up only on a subsequent sitting. That is only a Standing Order and not a legislative rule. The practice followed in the Legislative Assembly at Delhi was that in the case of procedure governed by the Standing Orders changes could be effected by the President with the unanimous consent of the members. If nobody takes any objection, I shall call upon the Secretary to Government to move for the third reading of the Agricultural Relief Bill today itself.

Clause 10.

Mr. C. V. Iyyu *(Kunnamkulam):* I rise to move the following amendment: *in clause 10 insert the word "not" between the words "shall" and "be".* I think it is only a clerical mistake, and Government will not have much objection to accept this amendment. If it is not a clerical mistake, I think I will have to revise the opinion I hold about the heart of the Government. If such a small word is wilfully omitted it is a thing which the House as well as the people of Cochin have to take serious notice of.

Mr. President: This amendment is to discover the heart of the Government.

മിസ്റ്റർ സി. വി. ഇയ്യു: സർ, ഈ ഒരൊറ ഭേദഗതി സ്വീകരിക്കാത്ത പക്ഷം ബില്ലുകൊണ്ടുള്ള പ്രയോജനം മുഴുവൻ നഷ്ടപ്പെട്ടുമെന്നാണ് എനിക്കു ഈ സഭയെ ഉൽബോധിപ്പിക്കുവാനുള്ളതു്. ഫ്രാഞ്ചൈസിനു മുമ്പു പലിശ ബാക്കി വരുത്തീട്ടുള്ള ഓരാളുടെ പേരിൽ ഒന്നല്ലെങ്കിൽ കേസു കൊടുത്തിട്ടുണ്ടായിരിക്കും അല്ലെങ്കിൽ പലിശ മുതലിൽ കൂട്ടി എഴുതി കൊടുത്തിട്ടുണ്ടായിരിക്കും. ആയ്ക്കെങ്കിലും ഈ ബില്ലുകൊണ്ടു പ്രയോജനമുണ്ടാകണമെങ്കിൽ അങ്ങിനെയുള്ള പലിശ മുതലിൽ പെടുത്താൻ പാടില്ല. അതുകൊണ്ടു ഈ ഭേദഗതി ഇവിടെ പാസാക്കണമെന്നു അഭ്യർത്ഥിക്കയും ഭേദഗതി പ്രസ്സുചെയ്യുകയും ചെയ്യുന്നു.

Mr. K. P. Kannan Nayar *(Secretary to Government):* Sir, I cannot accept this amendment.

മിസ്റ്റർ കെ. അയ്യപ്പൻ: ഫ്രാഞ്ചൈസിനുമുമ്പുള്ള പലിശ കൂടി എഴുതിയാൽ അതു് മുതലാക്കയില്ലെന്നാണ് പറഞ്ഞിട്ടുള്ളതു്. അതു ക്ലീയറാണൊ?

മിസ്റ്റർ കെ. പി. കണ്ണൻനായർ: അങ്ങിനെയാണു പറഞ്ഞിട്ടുള്ളതു്.

മിസ്റ്റർ കെ. അയ്യപ്പൻ: അതു് ക്ലീയറാക്കുമൊ?

Mr. President: Section 10 specifically makes provision from 1107 onwards.

Mr. T. P. Poulose *(Kanayannur):* This section says something about interest prior to 1107. The question is whether by implication, the contrary is predicted of interest subsequent to 1107. We cannot definitely say whether the court may not take a different view. I have explained the matter to the Secretary, the Diwan Peishkar and the Advocate-General.

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Mr. K. P. Kannan Nayar *(Secretary to Government):* At first I thought that there was some difficulty. But on mature consideration I think there is no difficulty, especially in view of the provision for scaling down interest after 1107.

Mr. T. P. Poulose *(Kanayannur):* The only question is whether it is necessary to amend it. I have suggested an amendment and given it to the Secretary, and that would not do any harm nor go against the intention of the Legislature.

Mr. E. Ikkanda Warriar *(Cheruthuruthi):* We object to this sort of discussion. We have not got copies of that amendment.

Mr. T. P. Poulose *(Kanayannur):* If any one objects, I do not want to press my suggestion.

Mr. E. Ikkanda Warriar *(Cheruthuruthi):* We are not able to know what are the implications of that amendment.

Mr. T. P. Poulose *(Kanayannur):* I doubt whether the section as at present sufficiently makes clear the intention of the Legislature.

Mr. K. P. Kannan Nayar *(Secretary to Government):* This is the section that was originally in the Bill itself. We have received several criticisms with reference to that section from some of the lawyers and retired Judges, saying that interest after 1107 which might be included in the document should also be treated as principal. Nobody seems to have felt any doubt in that matter.

Mr. President: The only two restrictions contemplated regarding the interest subsequent to 1107 are contained in clause 9 (2). In the light of that, certainly there is no doubt as to the interpretation that the court will take.

Mr. T. P. Poulose *(Kanayannur):* It depends upon the interpretation of the word "debt" in section 9 (1). In respect of a transaction entered into subsequent to 1st Chingam 1107 and renewed in 1111, the question is whether, when sued upon in court, the court will treat the debt included in the subsequent document as debt mentioned in sub-section (1) to section 9.

Mr. K. P. Kannan Nayar *(Secretary to Government):* There is absolutely no objection. I shall move that amendment at the third reading.

Amendment put and lost.

Clauses 10, 11 and 12 put and carried.

Clause 13.

Mr. C. V. Iyyu *(Kunnamkulam):* This amendment is with regard to future interest. It reads as follows: "*In clause 13, delete the word "nine" and substitute the words "seven and a half".*

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സർ, എന്റെ ഭേഗതി പബ്ലിക്ക് കമ്പനികൾക്കു നൂറിക്ക് ഒമ്പതു വീതമുള്ള പലിശ എന്നുവെച്ചിട്ടുള്ളതു നൂറിക്കു് ഏഴരശതമാനമാക്കി കുറവുചെയ്യണമെന്നാണു്. ഇതിനെ സംബന്ധിച്ചു് ഞാൻ അധികമൊന്നും പറയണമെന്നു വിചാരിക്കുന്നില്ല. ഇന്നലെ എന്റെ ഇതുപോലെയുള്ള ഒരു ഭേഗതി ഇവിടെ തള്ളപ്പെട്ടുപോയതിന്റെ വത്തമാനംഒരു കോൺഗ്രസ്സുകാരൻ തുള്ളി വപേത്രുക്കു് "Iyyu lost, Nine passed" എന്നൊരു കമ്പി കൊടുത്തതായി ഞാൻ ഇന്നു അറിഞ്ഞു. "ഇയ്യു നഷ്ടപ്പെട്ടു ഒമ്പതു പാസ്സായി" എന്നാണു് ഇതിന്റെ അത്ഥം. കൊച്ചിൻ കോൺഗ്രസ്സും കൊച്ചിൻ സ്റ്റേറ്റ കോൺഗ്രസ്സും നഷ്ടപ്പെട്ട എന്നാണു് ഇതിന്റെ ശരിയായഅത്ഥം. ഞാൻ വിവക്ഷിക്കുന്ന അത്ഥം ശരിയല്ലെന്നു ഈ ഉപക്ഷേപമെങ്കിലും പാസാക്കുന്നതിനു ഈ നിയമസഭയിലെ രണ്ടു രാഷ്ട്രീയ കക്ഷികളും ഏകോപിച്ചു മുതിരുമെന്നു ഞാൻ വിശ്വസിക്കുന്നു. അല്ലെങ്കിൽ എന്റെ ഈ പ്രസംഗം കൊച്ചിയിലെ ശവസംസ്കാരം "പൊതുബോധത്തിന്റെ പ്രബോധനം" ആയി പരിണമിക്കുമെന്നാണു് എനിക്കു തോന്നുന്നതു്. അതുകൊണ്ടു കൊച്ചിയിലെ രണ്ടു രാഷ്ട്രീയ കക്ഷികളും ഇതിനോടുകൂടി യോജിക്കുമെന്നു വിശ്വസിക്കുന്നു.

ബഹുമാനപ്പെട്ട അഡ്വർ മെമ്പർ അവർകളോടു എനിക്കൊന്നു പറയാനുണ്ടു്. പക്ഷെ അദ്ദേഹം ഇപ്പോൾ സ്ഥലത്തില്ലാത്തതുകൊണ്ടു് എനിക്കധികം പറയുന്നതിനു വളരെ വിഷമമുണ്ടു്. അദ്ദേഹം വളരെ പുരോഗമനമനസ്ഥിതിക്കാരനാണെങ്കിലും അദ്ദേഹത്തിന്റെ കക്ഷിക്കുവേണ്ടി മനഃസാക്ഷി ബലികഴിച്ചു. ഇന്നലെ ശലമോൻ രാജാവിന്റെ കഥയെടുത്തു ഈ കാര്യത്തിൽ വലിച്ചിഴച്ചുകൊണ്ടുവന്നു. ഈ ഭേഗതിയെങ്കിലും പാസാക്കാത്തപക്ഷം കൊച്ചിയിലെ പൊതുജനാഭിപ്രായം ശലമോൻ രാജാവിന്റെയും കുട്ടികളുടെയും കഥ പറഞ്ഞതുകൊണ്ടു കൊച്ചിയിലെ ജനാഭിപ്രായം തൃപ്തിയടയുകയില്ല. ഈ ഭേഗതി ഇവിടെ ഐകകണ്ഠ്യേന പാസ്സാക്കണമെന്നപേക്ഷിച്ചുകൊണ്ടു് ഞാൻ ഇതു് അവതരിപ്പിച്ചുകൊള്ളുന്നു.

Mr. V. N. Damodaran Nambiar *(Trippunittura)*: Mr. President Sir, I support this amendment—I have also tabled a similar amendment—*in clause 13 substitue "seven and a half" "for nine"*. I think this is a very important amendment which, if not accepted, would tantamount to defeating the very purpose for which this legislation is intended. I will explain my position. I support this amendment on two grounds. First of all with the enactment of this legislation there is bound to be a general lowering of the level of interest in the country. Till now the ordinary level of interest obtaining in this country is 12 per cent. Even though 12 per cent is the normal rate, on account of the depression and many other circumstances, excepting for very small amounts we find private individuals as well as public banks lending money at 9 per cent and below. These public banks have fixed their deposit rates in view of the general level of interest obtaining in the land. If the amendment is accepted it does not affect the public banks to a very great extent. It is only with reference to future transactions that we say that the rate of 7½ per cent should be fixed. This can be easily done by the banks by means of small adjustments to be made in their deposit rates. A

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slight lowering of the deposit rate on the part of the banks will accomplish this result.

Another ground on which I support this amendment is that with the enactment of this legislation considerable shrinkage of private credit is bound to occur. Whatever surplus funds a person may have, in case he finds a better and more attractive rate in the banks for deposits, he will surely go and deposit that fund in the bank. He will not hereafter pay any private individual any loan out of any funds in his hands, because with the enactment of this legislation people have begun to think that it is very difficult to realise moneys from private individuals. Further, I am told that in the case of public banks there is no limit with regard to the number of persons that should constitute such a bank. I may be wrong and I am subject to correction. If that be the case, if a person is in the habit of lending money in his individual capacity, from tomorrow onwards he will constitute himself into a bank. The result is that whereas *A* used to lend money till now, from tomorrow *A* & *Co.*, or *A* & *Sons*, will begin to lend money in which case he will be able to realise 9 per cent. In the absence of any limitation whatsoever in respect of the number of persons, I can with my private capital register myself as a public company and then lend money. I do not know whether I am right. I am subject to correction. So, in regard to future transactions, if public companies are not prepared to make slight adjustments or to make slight sacrifices in order to help poor agriculturists, I think most of the credit machinery hereafter will be monopolised by these public banks, and these poor agriculturists will be driven to these banks in order to get any credit at all. That will be the result. Besides all these, I may also bring to the notice of this House that even now, except in case of very small amounts below Rs. 500, most of these public banks are able to lend money at 9 per cent and below. Therefore, it will not result in a very serious hardship if future interest is fixed at 7½ per cent, thereby leaving a margin of 1½ per cent still in their favour.

*മിസ്റ്റർ സി. ആർ. ഇയ്യുണ്ണി: സർ, ചുരുക്കമായിട്ട് ഒന്നു പറയണമെന്നുമാത്രമെ ഞാൻ വിചാരിക്കുന്നുള്ളൂ. എന്തെന്നുവെച്ചാൽ പബ്ലിക്ക് കമ്പനി എന്നു പറയുന്നതു് കമ്പനി ആക്ട്പ്രകാരം റജിസ്റ്റു ചെയ്തിട്ടുള്ളതാണു്. പ്രൈവെറ്റല്ലാതെ പബ്ലിക്കായിട്ട് ഒരു കമ്പനി തുടങ്ങണമെങ്കിൽ അതു കമ്പനിയായിട്ടു റജിസ്റ്റുചെയ്യണം. ഒരു കമ്പനി ഇവിടെ റജിസ്റ്റു ചെയ്യണമെങ്കിൽ ൪൦,൦൦൦ രൂ. വേണം. ൪൦,൦൦൦ രൂ. മൂലധനത്തോടുകൂടി മാത്രമെ ഒരു കമ്പനി റജിസ്റ്റു ചെയ്യുവാൻ പാടുള്ളൂ. അതിനു ചുരുങ്ങിയതു് ഏഴു ആളുകൾ വേണം. ഒന്നു രണ്ടു് ആളുകൾ കൂടി മേലാൽ ഒരു ബോഡു് തുടങ്ങുവാൻ സാധിക്കയില്ല. അപ്പോൾ അതിനെപ്പറ്റിയുള്ള വിവരം അത്രത്തോളമെ ഉള്ളൂ

*Speech not corrected by the hon'ble member.

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എന്നാണ് മനസ്സിലാക്കേണ്ടതു്. സാധാരണയായി ടെണ്ണിലും മറ്റും ഒരു പണ്ട ത്തിന്മേൽ സംഖ്യ കൊടുക്കാമെന്നുവെച്ചാൽ അവർ എട്ടണ വീതം മേടിച്ചിട്ടാ ണ് പണം കൊടുക്കുക. ബാങ്കിൽ ഡെപ്പോസിറ്റു ചെയ്യുന്നതു് ബാങ്കിന്റെ മതിപ്പു നോക്കീട്ടാണ്. ആ ഡെപ്പോസിറ്റിനു പലിശയാണ് ബാങ്കുകാർ കൊടുക്കുന്നതു്. ഡെപ്പോസിറ്റിനു പലിശ കുറച്ചുകൊടുക്കുവാൻ അവക്കു് സാധ്യമല്ല. അവർ ആ പണം ഭൂസ്വത്തിന്മേൽ കൊണ്ടുപോയി ഇടുകയാ ണെങ്കിൽ അവക്കു് വണ. കിട്ടും. അപ്പോൾ പുതുതു കൊടുത്താൽ അവക്കു് കുറച്ചു പലിശയെ കിട്ടുകയുള്ളു എന്നുവന്നാൽ അതു് ബാങ്കുകാക്കു് സങ്കടമല്ലേ?

പിന്നെ സെൻട്രൽ ബാങ്കു്, ഇമ്പീരിയൽ ബാങ്കു് മുതലായ ബാങ്കുകളിൽ പലിശ വളരെ കുറവാണു്. അതു് എന്താണെന്നുവെച്ചാൽ അവക്കു ധാരാളം പണം ഉള്ളതുകൊണ്ടാണു്. ഉ-ം, ൦൦൦ക., ഒരു ലക്ഷം ഉറുപ്പിക ഇതു കണക്കിലാണു് അവിടെ കറൻറു് ഡെപ്പോസിറ്റു ചെയ്യുന്നതു്. അതിനു അവർ യാതൊരു പലിശയും കൊടുക്കുന്നില്ല. കൊച്ചീരാജ്യത്തുള്ള ഇൻറിജനസു് ബാങ്കിനെ സംബന്ധിച്ചിടത്തോളം പറയുകയാണെങ്കിൽ അവർ കറൻറു് ഡെപ്പോസി റ്റിനു മുതുങ്ങിയതു് നൂറു വീതം പലിശ കൊടുക്കുന്നുണ്ടു്. അങ്ങിനെ നോ ക്കുമ്പോൾ ലാൻറിംഗു് റൈറിന്റെ ൽ പലിശ ബാങ്കിനു വെക്കുകയാണെ ങ്കിൽ ബാങ്കുകാക്കു യാതൊരു ലാഭവും ഉണ്ടാകുന്നതല്ല. എന്നാൽ കറൻറു് ഡെ പ്പോസിറ്റിന്റെ പലിശ കുറക്കുകയാണെങ്കിൽ വിരോധമില്ല. ഈ ബാങ്കു കൾകൊണ്ടു് കൃഷിക്കാക്കു വളരെ ഗുണങ്ങളുണ്ടു്. കൃഷിക്കാക്കു പണം കൈ മാറാതെ യാതൊരു നിവൃത്തിയുമില്ല. അങ്ങിനെ പണം കൈമാറേണ്ട എ ന്നു തീർച്ചയാക്കുകയാണെങ്കിൽ കൊള്ളാം. ഡെപ്പോസിറ്റിന്റെ പലിശ കുറ ക്കുകയാണെങ്കിൽ ൽ പലിശയാക്കിയതുകൊണ്ടു ബാങ്കുകാക്കു നഷ്ടമില്ല. അതുകൊണ്ടു ഈ ഭേദഗതി പാസ്സാക്കുകയാണെങ്കിൽ ഡെപ്പോസിറ്റിന്റെ പ ലിശയും കുറക്കണമെന്നുമാത്രമെ ഞാൻ ഈ സഭയെ ധരിപ്പിക്കുന്നുള്ളു.

Amendment put and lost.

Mr. K. P. Kannan Nayar *(Secretary to Government): In the proviso to clause 13 delete the words "or a co-operative society registered or deemed to be registered under the Cochin Co-operative Societies Act, XXVI of 1113".*

This is only an amendment consequential to the amendment to clause 4 (*d*).

Amendment put and carried.

Clause 13 as amended put and carried.

Clause 14

Mr. K. P. Kannan Nayar *(Secretary to Government): In clause 14—delete the words "or a co-operative society registered or deemed to be registered under the Cochin Co-operative Societies Act, XXVI of 1113".*

It is the same as the amendment just now passed by the Council.

Amendment put and carried.

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Mr. K. P. Kannan Nayar *(Secretary to Government): In the Explanation insert the figure "(1)" after the words "as if", substitute for the words "the proviso" the words "proviso (a)," change the figure "1113" to "1114" and add at the end the following.—*

and (ii) in provisos (b) and (c) to that section for the expression "the two years immediately preceding the 1st Chingam 1115" the expression "the two years immediately preceding the date on which the debt is incurred" were substituted.

Practically I am only reproducing the section as it originally stood.

Amendment put and carried.

Clause 14 as amended put and carried.

Clause 15

Mr. C. V. Iyyu *(Kunnamkulam): In clause 15, add the following as (c) and (d).—*

(c) Where two or more persons are jointly and severally liable for a debt, and some of them are agriculturists and others are non-agriculturists, the creditor, shall, notwithstanding any law to the contrary, be entitled to proceed against each debtor to the extent only of his proportionate share of debt.

(d) Where a person is liable for a debt as surety, the creditor shall proceed against the principal debtor only in the first instance for the realisation of his debt, and only for the balance, if any, he shall proceed against the surety, and in such cases, the surety is entitled to all the benefits conferred on an Agriculturist by this Act if he or the principal debtor is an agriculturist.

This is only an amendment to mete out equity and justice to the sureties of any document. I commend this to the acceptance of the House.

Mr. K. P. Kannan Nayar *(Secretary to Government)*: If *A* and *B* owe a sum of money to *C*, and if *A* and *B* are jointly and severally liable, what the member wants is that the creditor can be allowed to receive only half the debt from each of them, whether they are agriculturists or not. As the law stands now from the agriculturist he can get only the scaled down portion. From the non-agriculturist he can get the whole. Government cannot accept the amendment. So far as the surety is concerned, if the principal happens to be an agriculturist, you cannot receive anything more from the surety also. If, on the other hand, he is a non-agriculturist, the surety will have to pay more. Under the Indian Contract Act the surety's liability is only co-extensive with that of the principal debtor.

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Amendment put and lost.

Clause 15 put and carried.

Clause 16.

Mr. K. Ashtamoorthi Nambudiripad *(Land-holders):* My amendments to sections 16 and 17 closely follow those brought forward by the Government. It is to this effect.—

Substitute the following for clause 16:—

"16. *(1) Subject to the provisions of sub-section 4 the arrears of pattam and interest thereon payable by an agriculturist tenant to his landlord, jenmi or intermediary at the commencement of this Act, whether the same be due as such or whether a decree has been obtained therefor, shall be scaled down in the manner specified in sub-section (2).*

(2) All arrears of pattam and interest thereon which are outstanding at the commencement of this Act shall be deemed to be discharged except to the extent of 50 per cent of the pattam in arrears, which have fallen due between 18th Chingam 1107 and the last day of Karkadagam 1114 or arrears of three years' pattam just prior to the commencement of this Act whichever is higher.

(3) The arrears as scaled down under sub-section (3), together with interest at 6 per cent per annum from the date of the commencement of this Act, shall be payable in annual instalments, the amount for the first instalment being payable on or before the last day of Karkadagam 1115 and the amount for each subsequent instalment being payable on or before the last day of Karkadagam of each succeeding year :

Provided that—

(i) the amount of each instalment is equal in value to one year's pattam and in the case of the last instalment whatever remains due;

(ii) the amount payable as scaled down shall in no case be less than one year's pattam;

(iii) if an agriculturist makes default in payment of two consecutive instalments, the land-holder may claim in one lump the whole or balance amount as the case may be, of the arrears as scaled down under sub-section (2).

(4) Notwithstanding anything contained in sub-section (1) if in any year during which an instalment is due under sub-section (3) the agriculturist makes default in the payment of the pattam payable for that year on the due date as provided in the

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contract of tenancy or where there is no such contract the dates specified in the Tenancy Act, XV of 1113, the landholder shall be entitled to recover from the agriculturist the entire arrears realisable at the commencement of this Act as if the same had not been scaled down under the sub-section (2) together with 6 per cent per annum simple interest from the date of default, after giving credit for the actual amount, if any, received by him for any instalment."

Explanation—*Pattam in this section does not include the pattam payable by the mortgager to the mortgagee on a lease-back of the mortgaged properties."* My chief amendment is to sub-clause (*2*):

In the original Bill arrears of pattam for 1112, 1113 and 1114 were allowed to the jenmi but the Select Committee made a change by providing 50 per cent of the pattam in arrears without interest, which has fallen due between 1st Chingam 1107 and the last day of Karkadagam 1114. In the original Bill 1114 pattam has been treated as current pattam but the Select Committee has changed it into arrears of pattam. By that amendment great loss will be sustained by the jenmi. I have put 50 per cent of the pattam in arrears which have fallen due between 18th Chingam 1107 and the last day of Karkadagam 1114, or arrears of three years' pattam prior to the commencement of the Act, whichever is higher. As regards the amendment in sub-clause (*3*) I suppose this amendment will be acceptable to the Government. Section 13 of the Act provides for future interest for debts as scaled down by the Act. Section 20 provides for future interest for pattam and michavaram. But there is no provision for future interest as regards pattam and michavaram as scaled down by the Act. I suppose the Government can accept this amendment at least as regards sub-clause (3). I have made the necessary changes in the proviso as a consequential amendment.

Mr. K. P. Kannan Nayar *(Secretary to Government):* What the hon'ble member wants is this. He wants at least three years' pattam to be the maximum of arrears. According to the amendment proposed to be moved on behalf of Government, pattam from 1107 to 1114 is taken and 50 per cent of the arrears, which will amount to three or four years' pattam, is allowed to the jenmi. But in some cases it will only be for 1½ years. The hon'ble member wants the minimum to be fixed as three years' pattam.

Mr. President: Suppose three years' pattam is in arrears. According to the amendment of the member, the tenant has to pay the whole to the jenmi.

Mr. C. R. Iyyunni *(Trichur-South):* May I know whether that is provided here.

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Mr. K. P. Kannan Nayar *(Secretary to Government)*: From 1115 if you take three years it will be 1112, 1113 and 1114.

Mr. K. Ashtamoorthi Nambudiripad *(Land-holders)*: 1114 rent has been considered as current rent.

മിസ്റ്റർ എം. കെ. വേലായുധി: സർ, ഞാൻ ഈ ഭേദഗതിയെ എതിർക്കുന്നു. ഇവിടെ ഗവണ്മെൻറിൽനിന്നു അവതരിപ്പിച്ച ബില്ലിൽ മുൻപാക്കി രണ്ടുകൊല്ലത്തേയും തൊണ്ടത്തേയും പാട്ടം ഒന്നിച്ചുകൊടുക്കുന്നതായാൽ പാക്കി വിട്ടുകളയാം എന്നായിരുന്നു നിശ്ചയം. ഈ നിശ്ചയം സെലക്ട് കമ്മിറ്റിയിൽ ഭേദപ്പെടുത്തുന്നതിനു രണ്ടു കാരണങ്ങൾ ഉണ്ട്. മൂന്നുകൊല്ലത്തെ പാട്ടപാക്കി ഒരു കൊല്ലത്തിനുള്ളിൽ കൊടുത്തില്ലെങ്കിൽ കുടിയാനു ഈ ബില്ലുകൊണ്ടുള്ള മുഴുവൻ ഗുണവും പോകും. അതു കുടിയാനു വളരെ ഉപദ്രവകരമായിവരുമെന്നുള്ളതുകൊണ്ടാണ് ആ വകുപ്പിൽ ഒരു ഭേദഗതി സ്വീകരിച്ചതു്. എന്നാൽ കുടിയാൻ ഒരുഭോഗത്തിനു് ഗുണം ചെയ്യുമ്പോൾ ജന്മിക്കു് ഒരുഭോഗത്തിനു ദോഷംവരും. അതു പരിഹരിക്കുന്നതിനാണ് ഫസ്ലി മുതൽ ഇന്നേവരെയുള്ള പാട്ടത്തിൽ പകുതിവീതം കൊടുക്കണമെന്നു തീർച്ചയാക്കിയതു്. അതു് ജന്മിക്കു വളരെ ഗുണമാണു്. എന്റെ മാന്യസ്നേഹിതൻ പറയുന്നതു് ഏതു വിധമായാലും മൂന്നുകൊല്ലത്തെ പാട്ടം കൊടുക്കണമെന്നാണു്. ഞാൻ ചോദിക്കുന്നു ഇപ്പോൾ രണ്ടുകൊല്ലത്തെ പാട്ടം കിട്ടുന്നതിനു ജന്മിക്കു് അവകാശമുണ്ടല്ലോ എന്നു്. ഞങ്ങൾ ഈ കാര്യത്തെപ്പറ്റി ആലോചിച്ചു", ഒരു കേസിൽ ജന്മിക്കും കൂടുതൽ ഗുണം കിട്ടണം ഒരു കേസിൽ കുടിയാനും ഗുണംകിട്ടണം എന്നവിചാരിച്ചാണു ചെയ്തിട്ടുള്ളതു". അതുകൊണ്ടു് ഏതായാലും മൂന്നുകൊല്ലത്തെ പാട്ടം ഒന്നിച്ചു കിട്ടണമെന്നു പറയുന്നതു" ജന്മിയുടെ ആക്രാന്തത്തിൽപെട്ട ഒന്നാണെന്നു" ഞാൻ വിശ്വസിക്കുകയും ഇതിനെ എതിർക്കുകയും ചെയ്യുന്നു.

Amendment put and lost.

Mr. K. P. Kannan Nayar *(Secretary to Government)*: *Substitute the following for clause 16 of the Bill.—16 (1). Subject to the provisions of sub-section (4) the arrears of pattam and interest thereon payable by an agriculturist to a landholder, jenmi or intermediary at the commencement of this Act, whether the same be due as such or whether a decree has been obtained therefor, shall be scaled down in the manner specified in sub-section (2).*

(2) All arrears of interest outstanding at the commencement of this Act and the entire pattam in arrears for the period prior to the first day of Chingam 1107 and 50 per cent of the pattam in arrears for the period subsequent thereto up to the date of the commencement of this Act shall be deemed to be discharged, and only the balance shall be deemed the arrears due from the agriculturist at the commencement of this Act.

(3) The arrears as scaled down under sub-section (2) shall be payable in annual instalments, the amount for the first instalment being payable on or before the last day of Karkadagam 1115, and the amount for each subsequent instalment being payable on or before the last day of Karkadagam of each succeeding year:

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Provided that—

(i) the amount of each instalment is equal in value to one year's pattam, and in the case of the last instalment whatever remains due;

(ii) the amount payable as scaled down shall in no case be less than one year's pattam;

(iii) if an agriculturist makes default in payment of two consecutive instalments, the landholder may claim in one lump the whole or balance amount as the case may be of the arrears as scaled down under sub-section (2) with 6 per cent interest from the date of default.

(4) Nothwithstanding anything contained in sub-section (1) if, in any year during which an instalment is due under sub-section (3), the agriculturist makes default in the payment of the pattam payable for that year on the due date as provided in the contract of tenancy, or where there is no such contract the dates specified in the Tenancy Act XV of 1113, the landholder shall be entitled to recover from the agriculturist the entire arrears realisable at the commencement of this Act as if the same had not been scaled down under sub-section (2), together with 6 per cent per annum simple interest from the date of default, after giving credit for the actual amount, if any, received by him for any instalment.

(5) The right of the landholder, jenmi or intermediary in a suit for eviction to set off the arrears of pattam against the value of improvements due to the tenant shall, so far as the arrears up to the commencement of this Act are concerned, be restricted to the arrears realisable under sub-section (3) or (4) as the case may be with 6 per cent per annum simple interest from the date on which the default mentioned in these sub-sections is committed.

Explanation.—*Pattam in this section does not include the pattam payable by the mortgager to the mortgagee on a lease-back of the mortgaged properties.*

*Mr. A. V. Moothedan *(Chalakkudi):* While supporting this motion I wish to make a suggestion. There is a provision that, if the tenant makes default in payment of the current year's pattam, the whole benefit under this Bill goes. That is a bit hard. It may be changed in such a way that the whole arrears as scaled down may be paid in a lump. I have given notice of an amendment, but I don't move it. I bring that to the notice of the Government.

*Speech not corrected by the hon'ble member

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*മിസ്റ്റർ കെ. എസ്സ്. പണിക്കർ: സർ, ഇതിൽ എനിക്കൊരു അമൻറ മെൻറുണ്ട്. ഈ അമൻറുമെൻറ തീരെ നിരുപദ്രവകരമായ ഒന്നാണ്. അതു 30th Medam എന്നുള്ളതു 30th Karkadagam എന്നാക്കണമെന്ന മാത്രമേയുള്ളു. ഇതു വളരെ നിരുപദ്രവകരമായ ഒരു ഭേദഗതിയാണ്. അതു കൊണ്ടു ഇതു ഗവമ്മെണ്ടു അംഗീകരിക്കുമെന്നു വിശ്വസിക്കുന്നു.

Mr. M. K. Devassy *(Adur):* I wish to make an observation in the same light as my friend Mr. Moothedan has made. Now the provision in clause 4 says that, if the tenant commits default of payment of current year's pattam, he is to lose the entire benefit. If I remember correctly, what happened in the discussion before the Diwan was that he insisted that in any case the current year's pattam should be paid. There was no specification by either party as to what should be the method by which that should be enforced. As a matter of fact, I again and again made clear that in any case the tenant should be made to pay only the scaled down portion, and I was a little surprised to find this penal clause which takes away the whole benefit. I would suggest in the alternative that, if the tenant commits default to pay current year's pattam he loses the whole benefit of the instalment system, but not the benefit of scaling down. I understand that there is an amendment moved by Messrs. Krishnan kutty, Panicker and Moothedan. Probably they are late. I humbly request you that this amendment may be considered. In these parts the contracts of tenancy stipulate payment in monthly instalments. If the tenant does not pay a monthly instalment, he loses the benefit. My friend, Mr. Peter, informs me that this is the case in these parts. By the accidental missing of one day in one month the whole benefit is lost. So I humbly request that this request may be sympathetically considered. This was the view expressed by the Select Committee also. We knew we were doing some good to the jenmies than what was contemplated in the previous Bill. The only motive that actuated us to do that was to take this penal clause which is tantamount to defeating the tenant from having the benefits.

മിസ്റ്റർ വി. പി. കണ്ണപിള്ള: ഇതുകൊണ്ടു ഒരു ക്ലിപ്തസമയത്തിനുള്ളിൽ കടം തീർക്കണമെന്നേ പറയുന്നുള്ളു. അതു തീർത്തില്ലെങ്കിൽ അവർക്കുള്ള ബെനിഫിറും പോകും.

മിസ്റ്റർ വി. കെ. കൃഷ്ണൻകുട്ടി: സർ, ഈ ഭേദഗതിയിൽ ര-ാംവകുപ്പിൽ ചില ഭേദഗതി വരുത്തണമെന്നു ഞാൻ ഇന്നലെ നോട്ടീസ്സു കൊടുത്തിട്ടുണ്ടു. പക്ഷെ അതു വൈകിപ്പോയതിൽ എനിക്കു വീഴ്ചവന്നിട്ടുണ്ടെന്നു ഞാൻ ആദ്യമായി പറഞ്ഞുകൊള്ളുന്നു. പക്ഷെ കായ്മനടത്തിപ്പിനു കടിയാനു കുറച്ചു ആനുകൂല്യം ചെയ്യണമെന്ന ഉദ്ദേശത്തോടുകൂടി ആ വീഴ്ച പരിഗണിക്കാതെ തന്നെ ഭേദഗതിയെ ഗവമ്മെണ്ടിൽനിന്നും സ്വീകരിക്കുവാൻ വലിയ വിഷമമില്ലെന്നാണ് എൻറെ വിനീതമായ അഭിപ്രായം.

* Speech not corrected by the hon'ble member.

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പാട്ടം കൊടുക്കുക, രസീതു കൊടുക്കുക എന്നുള്ള സംഗതിയിൽ ഒരു ജന്മിയും കുടിയാനും തമ്മിലുള്ള അന്തരം ഈ സഭ എപ്പോഴും ഓർത്തിരിക്കേണ്ടതാണ്. ഒരു കുടിയാനു ഒരു ഭാഗത്തു തന്നാണ്ടു പാട്ടം ഒരു ഭാഗത്തു പാട്ടക്കുടിശ്ശിക. ഇങ്ങിനെയിരിക്കുമ്പോൾ കുറെ സംഖ്യ ജന്മിക്കു കൊടുക്കേണ്ടിവന്നു. കുടിയാൻ കുറെ സംഖ്യയുംകൊണ്ടു ജന്മിയുടെ അടുത്തു ചെല്ലുമ്പോൾ ആ സംഖ്യ വാങ്ങിച്ചുകൊണ്ടു് ജന്മി ചിലപ്പോൾ പറയും കായ്മ്മസ്ഥൻ ഇവിടെയില്ല, കായ്മ്മസ്ഥൻ വന്നിട്ടു രസീതു തരാം എന്നു്. എന്നാൽ കുടിയാനു ഉടനെ രസീതു കിട്ടണമെന്നു് ജന്മിയോടു പറയുവാൻ സാധ്യമല്ല. ജന്മികൾ വളരെ സഹായന്മാരും കുടിയാന്മാരോടു വളരെ സ്നേഹമുള്ളവരുമാണെന്നു സമ്മതിക്കാതെ നിവൃത്തിയില്ല. ഞങ്ങളുടെ നാട്ടിലുള്ള ജന്മികളൊക്കെ ഇങ്ങിനെയാണു്. അവരൊക്കെ നമ്പൂതിരിമാരാണു്. കായ്മ്മസ്ഥൻ വരുമ്പോൾ, തിരുമേനി! ഇങ്ങിനെ ചെയ്താൽ പോര. ഈ സംഖ്യ പാട്ടബാക്കിയിൽ എടുക്കണം എന്നു പറയും. കായ്മ്മസ്ഥൻ അങ്ങിനെതന്നെ തന്നാണ്ടു പാട്ടത്തിൽ വരവുവെക്കാതെ പാട്ടബാക്കിയിൽ വരവുവെച്ചു രസീതു കൊടുക്കയും ചെയ്യും. തന്നാണ്ടു ബാക്കിയായാൽ ഉണ്ടാകുന്ന വൈഷമ്യമെന്താണു്? ഒട്ടാകെ സംഖ്യ ഒന്നിച്ചു വാങ്ങി കിട്ടുവാൻ ജന്മിക്കു ഒരവകാശം സിദ്ധമാകുന്നു. അതൊരു വലിയ കഷ്ടാവസ്ഥയാണെന്നു ഞാൻ പ്രത്യേകിച്ചു പറയേണ്ടതില്ല. ഒരു കൈകൊണ്ടു കൊടുക്കുന്ന ആനുകൂല്യത്തെ മറെറ കൈകൊണ്ടു പിഴുതെടുക്കുന്ന സമ്പ്രദായം ഈ നിയമസഭ അനുവദിക്കുവാൻ പാടില്ല. ഗവർമ്മെണ്ടിനോടും ഒരിക്കലും അതനുവദിക്കുവാൻ പാടില്ലെന്നാണു് ഞാൻ വിനീതനായി അപേക്ഷിക്കുന്നതു്.

ഒരു ജന്മിക്കു ഒരു കുടിയാൻ പാട്ടം കൊടുക്കുന്നതു പലവിധത്തിലാണു്. കൊല്ലത്താൽ ഇത്ര ചക്ക, ഇത്ര അടക്ക, ഇത്ര വാഴക്കുല, ഇത്ര നാഴി പത്തുവിൻപാൽ, ഇത്ര വൈക്കോൽക്കെട്ടു്, ഇത്ര പറ നെല്ലു് മുതലായി എല്ലാം വിശദമായി പറഞ്ഞിട്ടുള്ള കാണക്കുചീട്ടും പാട്ടച്ചീട്ടുമാണു് നമ്മുടെ രാജ്യത്തു നിലവിലുള്ളതു്. ഇതിൽ ഏതെങ്കിലും ഒന്നുമുടക്കിയാൽ തന്നാണ്ടു മിച്ചവാരത്തിൽ ബാക്കിയായി. ഇങ്ങിനെ ബാക്കിയായാൽ മുഴുവനും ഒന്നായി വസൂലാക്കുവാൻ ജന്മിക്കു അധികാരമുണ്ടു്. പാട്ടച്ചീട്ടിലൊ കാണക്കുചീട്ടിലൊ ഉള്ള ഏതെങ്കിലും ഒരു സാധനം കൊടുക്കാൻ വീഴ്ചവരുത്തിയാൽ അതു ബാക്കിയായിട്ടു കണക്കാക്കുമെന്നതന്നെയല്ല അവനുള്ള സമസ്ത ആനുകൂല്യങ്ങളും നഷ്ടമായിപോകയും ചെയ്യും. എന്നാൽ എന്റെ ഭേദഗതി അതിനെല്ലാം കൂടിയാനു ഒരു പരിഹാരം നൽകുന്ന ഒന്നാണു്. ഇതു വളരെ അത്യാവശ്യമായിട്ടുള്ള ഒരു ഭേദഗതിയാണു്. അതുകൊണ്ടു ദിവാൻ പ്രസിദ്ധണ്ടു് അവർകളും കർഷകന്മാരോടു അലിവുതോന്നിയെങ്കിലും ഈ ഭേദഗതി അനുവദിക്കുമെന്ന പ്രതീക്ഷയോടുകൂടി ഞാൻ എന്റെ പ്രസംഗം അവസാനിപ്പിച്ചു കൊള്ളുന്നു.

Mr. K. Kochukunhan Kaimal *(Vadakkancheri)*: Sir, I support the amendment moved by the Secretary and oppose the amendment to the amendment proposed by Mr. Moothedan. In considering these amendments we have to take into consideration the entire scheme of the sections relating to the payment of pattam and michavaram. The underlying idea has also to be taken into account. It is more or less a compromise in order to create more harmony and good will between the jenmi and the tenant. There are a good deal of sacrifices made by the landlord in order to give some

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relief to the tenant who has been burdened with all sorts of debts and arrears of pattam and michavaram, so that a very happy compromise has been effected by this legislation. In order to compensate the jenmi for the very high sacrifices he makes regarding the arrears of pattam and michavaram some penalty has to be insisted upon at the same time. Now, if the scaled amounts were alone made payable annually, certainly there is the chance of the current pattam, *i.e.*, from 1115 onwards, being allowed to fall into arrears. Suppose he pays only the arrears and there is no provision with regard to the payment of current pattam. Unless there is such a provision there is the chance of the arrears alone being paid.

Mr. V. K. Krishnankutty *(Ezhuvas-Trichur):* There is the penalty.

Mr. K. Kochukunhan Kaimal *(Vadakkancheri) :* Now, in order to avoid that there must be some sanction. What is the sanction ?

Mr. M. K. Devassy *(Adur):* Pay the whole of the scaled down amount in a lump, losing the instalment benefit.

Mr. K. Kochukunhan Kaimal *(Vadakkancheri) :* There, the whole benefit is only on one side. While the tenant gets all the benefit there must be a corresponding provision on behalf of the jenmies also. Otherwise the tenant gets all the benefits. If this amendment moved by the Secretary is not accepted the only penalty is that he loses the benefit of the instalment system, but the tenant can have the current dues in arrears.

Mr. V. K. Krishnankutty *(Ezhuvas-Trichur):* Is it a criminal thing not to pay current year's pattam ?

Mr. K. Kochukunhan Kaimal *(Vadakkancheri):* It is not a criminal thing to refuse payment. This provision is only a very proper adjustment between the landlords and the tenants. There may be pattamchits which provide for the payment of various items of puravaka at different times. It is no doubt hard that the tenant should be penalised for the default he may have committed in the payment of such puravaka dues. In such cases, in order to avoid such hardship it is only reasonable that a time may be fixed by the legislature for the payment of the entire one year's pattam, as suggested by Mr. Panicker, *i.e.*, before the last day of Karkadagam, whatever be the provision in the document. So the date for the payment of the current year's pattam may be taken as the last date of Karkadagam irrespective of the provisions in the contract of tenancy. My submission is that the only way in which the payment of current year's pattam could be effectually forced to be made by the tenant is only by attaching a sanction which will certainly take away the benefits. One hon'ble member said that what is given by one hand is sought

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to be taken away by the other. What is given by one hand must certainly be taken in a good spirit and he must have a good sense to pay and maintain the relationship promptly. There is the benefit of scaling down and also the benefit of instalments. So that in order to compensate for the benefits given to the tenants it is only just and proper that the jenmi may be given at least the benefit of realising the current pattam punctually. So I submit that the amendment is quite reasonable.

Mr. V. J. Mathai *(Planters):* Sir, we shall now consider the position taken up by Mr. Kaimal. We agree that you are not in a position to pay the full amount. Therefore, we agree to have a scaling down of the arrears of pattam, because you find it unable to pay the whole. If you are further unable to pay the scaled down portion you must pay the whole. The position is very simple. If a person is able to pay his instalment amount he will get the benefit. If he is unable to pay he is penalised for non-payment. He is unable to pay because he is not in a position to find the wherewithal to pay. This amendment asks him to pay the whole on account of his inability to pay a portion. Why is it that he does not pay? We should not lose sight of the position. He is unable to pay, because he has not the means to pay. That is the simple position. The amendment proposed is only this. If a person is unable to pay, then do not ask him to pay the whole amount because of his inability. If as I understand correctly the whole basis of this legislation is to recognise the helplessness of the people who are unable to pay, then, that basis is forgotten if Mr. Kaimal's opinion is to be accepted. A man who is unable to pay even in instalments—does he not deserve more sympathy than the other person who can pay in instalments? I dare say that he deserves more sympathy. Now with regard to the amendment proposed, first of all we must look to the contract of tenancy. According to the contract of tenancy, in the case of paddy fields, the ordinary contract provides that one half should be paid in Dhanu and the second half before the end of Karkadagam. I will put the position clearly before this House. Take the case of paddy cultivators. Over and above the arrears, a tenant has to find another six months' pattam by Dhanu. That is by the middle of the year, he has to find one and a half year's pattam. In the case of a person whose Kanni crops are destroyed by floods, he has to spend for a second crop, and it will be impossible for him to pay 1½ years' pattam by the end of Dhanu. We say give him another chance, that is all.

Mr. President: The time for repayment of arrears of pattam is up to the end of Karkadagam.

Mr. V. J. Mathai *(Planters):* I am sorry. I stand corrected. He has only to find six months' pattam by Dhanu and then one and

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a half year's pattam by the end of Karkadagam. Supposing his Kanni crops are destroyed, even then, he has to find one and a half year's pattam by the end of Karkadagam. The periods fixed by the Tenancy Act may be looked into. What the Tenancy Act says is this: Section 38, Chapter IV—"The annual rent or michavaram shall be paid on or before the last day of Kumbham of each year except when the demise is of *puncha* and *kole nilams*, in which case it shall be paid on or before the last day of Edavam of each year." Therefore whether it is Dhanu, Makaram or Kumbham, it does not matter. The most important point is the fact that the man will be damnified to the extent of the original arrears simply because he was unable to pay as much as a person who could pay the instalments. That I submit is really losing sight of the whole basis of this legislation. I would, therefore bring to the notice of the Government this aspect of the matter.

*മിസ്റ്റർ കെ. അയ്യപ്പൻ: സർ, കുടിയാന്മാർക്ക് രക്ഷചെയ്യുവാനുള്ള ഈ ബിൽ ജന്മിമാർക്ക് പാട്ടവും മിച്ചവാരവും പിരിക്കുവാൻ കൂടുതൽ സൌകര്യം ഉണ്ടാക്കുവാനായിട്ട് ഉപയോഗിക്കുമെന്നാണ് എനിക്കു പറയുവാനുള്ളത്". ഈ ബിൽ ജന്മിമാർക്ക് കുറെ ഒക്കെ നഷ്ടം വരുത്തുമെന്നുള്ളതിന്നു യാതൊരു സംശയവുമില്ല. ഈ കൊല്ലം ഒരു കുടിയാൻ തന്നാണ്ടു പാട്ടം കൊടുത്തിട്ടില്ലെങ്കിൽ ആ ബെനിഫിറവ് മുഴുവൻപോകുമെന്നു വന്നുകഴിഞ്ഞാൽ അപകടമാണ്" എന്നുള്ള സംഗതി ഗവൺമെൻറ് ധരിക്കുവാനുണ്ട്. ബെനിഫിറവ് കിട്ടുവാൻവേണ്ടി കടംവാങ്ങികൊണ്ടുവന്ന കൊടുത്താലും അതും അവസാനം കടമായിട്ടെ തീരുകയുള്ളൂ. ഈ ബില്ലിൽ ജന്മിമാർക്ക് തീരെ ഗുണമില്ലെന്നു പറയുവാൻ തരമില്ല. അതുകൊണ്ട് കുടിയാന്മാർക്ക രക്ഷചെയ്യുവാൻ തീർച്ചയാക്കീട്ടുണ്ടെങ്കിൽ ആ രക്ഷ അവർക്കു കൊടുക്കണം.

പാട്ടവും മിച്ചവാരവും ഒന്നിച്ചു പിരിക്കുവാനുള്ള ഒരു വകുപ്പ് ഇതിലുണ്ട്. തന്നാണ്ടുപാട്ടം കൊടുക്കുവാൻ നിവൃത്തിയില്ലാത്തതുകൊണ്ടാണ് ഭൂരിപക്ഷംപേർക്കും കുടിശ്ശികവരുന്നത്. തീരെ നിവൃത്തിയില്ലാത്തതുകൊണ്ടു കൊടുക്കാതെ ഇരിക്കുകയല്ലാതെ ജന്മിമാരെ പറഞ്ഞിക്കണമെന്നുദ്ദേശിച്ച്, പാട്ടംകൊടുക്കാതെയിരിക്കുന്നില്ല. മുമ്പുള്ളതുപോലെ ഉല്പന്നങ്ങൾക്കുള്ള വില ഇപ്പോൾ ഇല്ല. അതുകൊണ്ട്, ഗവൺമെൻറിൽനിന്നും കുടിയാനവന്മാർക്ക് ഗുണംചെയ്യുവാൻ ഉദ്ദേശിച്ചിട്ടുണ്ടെങ്കിൽ, ജന്മിമാർക്ക് ഉപദ്രവമില്ലാതെവിധത്തിൽ ചെയ്തുകൊടുക്കേണ്ടതാണ്. തന്നാണ്ടുപാട്ടം ഈ കൊല്ലം തെറ്റിയാൽ മുഴുവൻ ബെനിഫിറവും പോകും എന്നുള്ളഭാഗം എടുത്തുകളയണം. ബഹുമാനപ്പെട്ട അഡൂർമെമ്പർ പറഞ്ഞതുപോലെയുള്ള ഒരു വകുപ്പ്മാത്രമേ ആവശ്യമുള്ളൂ. ഗവൺമെൻറ് ആദ്യംമുതൽക്കുതന്നെ എന്തെല്ലാം ഈ കായ്ത്തിൽ ചെയ്തുകൊടുത്താലും ജന്മികൾ അതൊന്നുകൊണ്ടുത്തെ പാട്ടം പിരിക്കുവാനുള്ള സൌകര്യവുംകൂടിചെയ്തുകൊടുക്കണമെന്ന ദിവാൻജി അവർകൾ ആലോചനായോഗത്തിൽവെച്ചു പറഞ്ഞതായി ഞാൻ ഓർക്കുന്നുണ്ട്.

Mr. M. K. Devassy *(Adur)*: I remember that. But I do not remember this penal clause in this form.

*Speech not corrected by the honb'le member.

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മിസ്റ്റർ കെ. അയ്യപ്പൻ: അദ്ദേഹം അങ്ങിനെ പറഞ്ഞുവെങ്കിലും, അതു് ഇവിടത്തെ സ്ഥിതിഗതികൾ മുഴുവൻ മനസ്സിലാക്കാതെയാണു് പറഞ്ഞിട്ടുള്ളതെന്നു തോന്നുന്നു. ശവമ്മെൻറിൽനിന്നും എല്ലാവശ്ശക്കാരേയും നോക്കേണ്ടതുണ്ടെങ്കിലും, കുടിയാന്മാരെ നശിപ്പിക്കുന്നതരത്തിൽ, ജന്മിമാരെ നോക്കുവാൻ പാടില്ലാത്തതാണു്. ജന്മിമാർക്കു് വലിയ ഉപദ്രവമില്ലാത്തവിധത്തിൽ എല്ലാവശ്ശക്കാരേയും നോക്കുവാൻ ശവമ്മെൻറിനു് സാധിക്കും. ഇതിൽ ഞങ്ങൾ കുറെയൊക്കെ പരിശ്രമിച്ചു നോക്കീട്ടുണ്ടെന്നുള്ളതിനു ബഹുമാനപ്പെട്ട കുന്നംകുളം മെമ്പരുടെ ഭാവം ഇങ്ങേപ്പുറത്തിരിക്കുന്നവർക്കു് അറിയുവാൻ കഴിഞ്ഞിട്ടില്ല; കുടിയാന്മാരുടെ കാര്യത്തിൽ വല്ല രക്ഷയും ഇല്ലാതിരുന്നാലുള്ള ഉപദ്രവം വിചാരിച്ചുമാത്രം ഞങ്ങൾ ഇതൊക്കെ സമ്മതിച്ചു കൊടുക്കുകയാണു ചെയ്യുന്നതു്. വെറുതെ പ്രസംഗംമാത്രം നടത്തി പത്രത്തിൽ റിപ്പോർട്ടവരുത്തുവാനാഗ്രഹിക്കുന്നവർക്കു് ഇതൊന്നും നോക്കേണ്ട ആവശ്യമില്ല.

Mr. C. V. Iyyu *(Kunnamkulam):* The Public of Cochin will have to decide.

മിസ്റ്റർ കെ. അയ്യപ്പൻ: പബ്ലിക്ക് of കൊച്ചിൻ പറഞ്ഞിട്ടാണു ഞങ്ങളും ചെയ്യുന്നതു്. എനിക്കു് ഈ അവസരത്തിൽ ഒരു സംശയം തീർപ്പാൻ പ്രസിഡണ്ടവർകളെ മനസ്സിലാക്കുവാനുണ്ടു്. അതുമാത്രം ഞങ്ങൾ ഈ വിഷയത്തിൽ ത്യാഗങ്ങൾ സഹിച്ചിട്ടുണ്ടു്. ആ ത്യാഗത്തിനുവേണ്ടി ഞങ്ങൾ ഒരാവശ്യമില്ലാതെ, കുന്നംകുളം മെമ്പരുടെ ശകാരവുംകേട്ടു, ദുഷ്പ്രേരം സഹിക്കണം. ഞാൻ ഇതിൻറെ സൂക്ഷ്മങ്ങളും ശവമ്മെൻറിനെ പറഞ്ഞു മനസ്സിലാക്കീട്ടുണ്ടു്. അതുകൊണ്ടു് ഇപ്പോൾ ആവശ്യപ്പെട്ടതന്ന ഈ ഒരു ഉപകാരം ശവമ്മെൻറിൽനിന്നും ചെയ്യണമെന്നുമാത്രമേ ഞാൻ പറയുന്നുള്ളൂ.

*Mr. P. Govinda Menon *(Mulakunnathukavu):* Mr. President, Sir, I find much force in the suggestions made by the Hon'ble Member, Mr. Panicker. Under proviso (4), unless a tenant pays all the dues under the contract of tenancy in the year 1115 and subsequent years on the due dates, he will not get the benefits of the scaling down. The due dates may be, for the *Onakkula*, or the banana bunches, which have to be given in Chingam; some other things will have to be paid in some other months, then the paddy and money will be due in some other month, etc., etc. These payments will have to be made in several stages. The tenants of this State will take some time before they understand the implications of the Bill and it will be very hard if they are not allowed a breathing time to understand the implications of the Bill. Therefore while I do not agree with my friend Mr. Devassy or with Mr. Ayyappan, I submit that the current year's pattam must be paid in that year itself. That will be sufficient to meet the ends of justice. As for the other arguments advanced by the Hon'ble Member for Jenmies in the interests of his constituency, my friend Mr. Devassy who generally does not mince hard words said that it is Jenmi's *aakrantham*. I do not say on behalf of the Jenmies that this is Tenants' *aakrantham*. But my submission is this. After the year 1115 the

* Speech not corrected by the hon'ble member

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tenant has to make two sets of payments. First of all he has to pay the arrears. The Bill presumes that on account of inability to pay, there has been arrears. And therefore the legislature comes forward and scales down the arrears, and gives him time to pay the arrears in instalments. Even if the instalment is defaulted no penalty is fixed. He has to pay the scaled down arrears with interest at 6 per cent from the date of default. The Bill goes further and says, in the interests of the tenant himself, in order that arrears may not accumulate hereafter, he should pay the current pattam regularly, so that the pattam may not accumulate and the tenant need not wait for some other Bill to come to scale down the future pattam after 1115. Therefore the Bill demands that from 1115 onwards the current pattam should be paid regularly. Yesterday, an anxiety was expressed in this House by my hon'ble friend, Mr. V. K. Krishnankutty, that when a bond is taken for arrears of pattam, the amount under the bond may be treated as arrears of pattam and not as debt. Then I felt that if it is left to the option of a man either to become a tenant or a debtor under this Bill, he will indeed prefer to be a tenant. Because the relationship of landlord and tenant and that of creditor and debtor has not been logically dealt with in this Bill. That is to say, the tenant is given much more privileges, much more relief under this Bill than the debtor. That is why people will be anxious to become tenants and not debtors. Why I submit this is, because very great relief has been given in order that the tenants may have the benefits under this relief measure. The provision is intended to see that no arrears accrue after the year 1115. I suggest that this stringent provision that the pattam should be paid on the due date may be changed and made "before the last day of Karkadagam."

Mr. President: Two entirely different views have emerged out of this discussion. All are agreed that the tenant must, somehow or other, be persuaded or compelled to pay the current year's pattam during that year. The two points that have emerged are, should you vary the period of that payment from what is mentioned in the contract to the end of Karkadagam of that year? That is one point. The other point is, what is the penalty that should be imposed if the tenant does not pay the current year's pattam? These are the entirely two different points.

Now taking the first point, my view is this. In the various contracts of tenancy and also in the Tenancy Act, the period for the payment of the pattam of a year is fixed not arbitrarily, but in view of the seasonal conditions of harvest of crops, and it will be very unwise on the part of this House to attempt to change that practice. In fact, it is not our object, in this Bill at any rate, to consider that matter at all or in any way to open that question. In fact, I am sure every one who has got anything to do with agriculture will agree

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that if, for example, the harvest is in Dhanu, it is a distinct disservice to the tenant not to collect the pattam within a reasonable period of the harvest. Now, if according to the suggestion of Mr. Panicker, you say that those people who will get the benefits under this Act need pay the current year's pattam from 1115 onwards only on the last day of Karkadagam, then you are doing a positive disservice to the tenant, because no tenant will be willing to pay before the day on which he has to pay his dues. He will always put off for tomorrow what he has to do today. From that view point, I am strongly opposed to any suggestion that will change the date of payment of pattam, which I maintain is fixed not arbitrarily, but on a very scientific basis, on considerations of season and harvest periods. If that is agreed, and it is agreed that the tenant must pay the current year's pattam within those periods mentioned in the Bill, the only other point is, what penalty should he be subject to if he fails to fulfil that obligation. In fact, we have based our Bill very largely on the Madras Act, and one of the provisions of the Madras Act is that, for getting the benefits of the Act, the current year's rental must be paid within the due date. The whole point is, there must be some penalty which will act as a strong inducement for the tenant to take advantage of the provisions of this Bill. After all, you must realise that the illiterate agriculturists with whom we have to deal with in this country require protection of a positive kind in compelling him in certain respects to discharge his obligations. We will be doing him only a service if we do that. The penalty suggested in the Government amendment is that he will be liable to pay the entire arrears and will not get any or all the benefits contemplated under the Bill. What Mr. Devassy suggests is that the penalty must be the payment of the reduced pattam or michavaram in a lump sum. Even today a tenant knows perfectly well that the landlord can at any time sue him for entire arrears that have accrued, and has that been an inducement for any tenant anywhere in the world for the payment of arrears? If you still further say that his liability be reduced by 50 per cent, he will be perfectly happy, but he will not pay the current year's pattam nor the arrears. He will get on in the same manner in which he has been going on for all these years. He will say: "Let the landlord go to the court." So that is not a sufficiently strong inducement in the nature of a penalty to make the tenant himself take advantage of the provision of this Bill. I am not talking so much from the point of view of the landlord as from the point of view of the tenant. Not only is it sufficient for us to give certain remedies to the tenant, but we must impose such conditions that will compel the tenant against his own will to take advantage of the provisions of the Bill. Thus from this point of view, I think that the penalty that has been incorporated in the Bill by the Government amendment is very much better from the point

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of view of the tenant himself and certainly from the point of view of the landlord.

Mr. M. K. Devassy *(Adur):* Sir, we are scaling down the arrears of debt. There is no penalty clause attached to the payment of debt.

Mr. President : There is no future obligation between the debtor and the creditor. The relationship between the landlord and the tenant is a subsisting relationship. Whereas the relationship between the debtor and the creditor comes to an end when the debt is paid, I was interested in maintaining a happy relationship between the landlord and the tenant. That is why I insist upon this penalty clause.

Mr. M. K. Devassy *(Adur):* Sir, I may submit that we are concerned with the past rather than with the future, and when we are determined to give some relief with regard to the past, to make the future payment a condition precedent to the past is not quite correct. Looked at from this point of view, there is no difference between debt and arrears of pattam. We do not attach any penalty in the case of the debt. That is when we deal with what is past. So also the future payment—every year—of the pattam should not be made a condition precedent for getting the benefits of the past just like in the case of debts.

*മിസ്റ്റർ ടി. കെ. നായർ: സർ, ദിവാൻപ്രസിദ്ധങ്ങളാക്കിയ പറഞ്ഞ സംഗതി മനസ്സിലാക്കാതെയല്ല ഞാൻ പറയുന്നതു്. പാട്ടം മുഴുവൻ കുറയ്ക്കുന്നതിലുള്ള തത്വം ഇതിൽനിന്നു് കുറച്ചു വ്യത്യാസപ്പെട്ടതാണെന്നാണു ഞാൻ ധരിച്ചിരിയ്ക്കുന്നതു്. ഇതുവരെ ഒരു കുടിയാനവനും കൊടുക്കാത്ത ഒരു രക്ഷ കുറച്ചു് ദിവാൻപ്രസിദ്ധങ്ങളാക്കിയ പറഞ്ഞതിൽ ഒരുമനഃപൂർവ്വംകൂടിയുണ്ടോ കുടിയാനവന്റെപേരിൽ എന്നു ഞാൻ വിചാരിയ്ക്കുന്നു. കൊടുക്കുവാനുണ്ടായിരുന്നിട്ടും മനഃപൂർവ്വം കൊടുക്കാതെയിരിയ്ക്കുന്നവെങ്കിൽ അതു ശരിയാണു്.

മിസ്റ്റർ സി. എൻ. ഇട്ടിരവിനമ്പൂതിരിപ്പാടു്: നെല്ലും മറ്റും കൊടുക്കാതിരിക്കുന്നതു് മനഃപൂർവ്വംകൊണ്ടാണു്.

മിസ്റ്റർ ടി. കെ. നായർ: കൊടുക്കുവാൻ നിവൃത്തിയില്ലാത്തതുകൊണ്ടാണു കൊടുക്കാത്തതു്. മനപൂർവ്വംകൊണ്ടല്ല. കാലക്ഷാമംകൊണ്ടു കൊടുക്കുവാൻ കഴിവില്ലാത്തതിനാൽ പാട്ടവും പലിശയും ബാക്കിവന്നിട്ടുള്ളതിനാൽ, തന്നാണ്ടുപാട്ടബാക്കിക്കും ഒരു രക്ഷകിട്ടേണ്ടതു ആവശ്യമാണു്. മിസ്റ്റർ മത്തായി പറഞ്ഞതുപോലെ ഇപ്പോഴത്തെ അതിവിഷ്ടംകൊണ്ടു ഒരു കുമണി നെല്ലുപോലും കൊടുക്കുവാൻ സാധിച്ചിട്ടില്ല. അങ്ങിനെയിരിയ്ക്കെ പാട്ടബാക്കി എത്രയുണ്ടോ അതു മുഴുവൻ കൊടുക്കണമെന്നുപറയുന്നതു ശരിയല്ല. ജന്മിയ്ക്കു കൊടുക്കേണ്ടതു മനഃപൂർവ്വമായിട്ടു് കുടിയാനവൻ കൊടുക്കാതിരിയ്ക്കുകയാണെങ്കിൽ, അല്ലാത്തപക്ഷം കടംവാങ്ങിയ സംഖ്യയ്ക്കു പലിശ കൊടുക്കാതി

* Speech not corrected by the hon'ble member.

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രിയ്ക്കുകയാണെങ്കിൽ അയാളെ ഗവമ്മെൻറ് സഹായിക്കേണ്ട ആവശ്യമില്ല. വാസ്തവത്തിൽ കാലദോഷം വന്നിട്ടുള്ളതുകൊണ്ടാണ കൊടുക്കുവാൻ സാധിക്കാത്തതെന്നുള്ളതു് ഗവമ്മെൻറും ധരിച്ചുകഴിഞ്ഞു. കുടിയാനവൻ വിചാരിച്ചാൽ നിവൃത്തിയില്ലെന്നുള്ളതു കണ്ടിട്ടാണു് ഗവമ്മെൻറ് ആ തത്വം അംഗീകരിച്ചു് ഈ ബിൽ കൊണ്ടുവന്നിട്ടുള്ളതെന്നു ഞാൻ വിചാരിയ്ക്കുന്നു. ആ തത്വം ഗവമ്മെൻറ് അംഗീകരിച്ചിട്ടുള്ള സ്ഥിതിയ്ക്കു എത്രകാലം ബാക്കിയുണ്ടോ അതു ചേർത്തു് തന്നാണ്ടുപാട്ടം കൊടുക്കണമെന്നുവന്നാൽ അതു വാസ്തവത്തിൽ അയാളെ കണ്ടിൽനിന്നു പിടിച്ചുകയറുന്നതിനു പകരം കണ്ടിലേയ്ക്കു തന്നെ പിടിച്ചു തള്ളുകയല്ലെ ചെയ്യുന്നതു് എന്നു ഞാൻ ദിവാൻ പ്രസിഡണ്ടവർകളോടു ചോദിയ്ക്കുന്നു.

ബ്രിട്ടീഷിൽ എന്തു നിയമങ്ങളുണ്ടായിരുന്നാലും നമ്മുടെ രാജ്യത്തു പാട്ടം കുറവുചെയ്തിട്ടുള്ളതു് എത്രയുണ്ടോ ആ പാട്ടം മുഴുവൻ, തന്നാണ്ടുപാട്ടം കൊടുത്തില്ലെങ്കിൽ അതു കൊടുത്തതിനുശേഷം കൊടുത്താൽ മതിയെന്നു ഏതൊരു ജന്മിയും സമ്മതിയ്ക്കുമെന്നാണു് എൻറെ പക്ഷം. ഒരു കുടുമണിനെല്ലുപോലും കൊടുക്കുവാൻ സാധിക്കാത്തതുകൊണ്ടാണു് ഒരു ജന്മി പത്തും പന്ത്രണ്ടും കൊല്ലം വരെ പിരിയ്ക്കുവാൻ നിവൃത്തിയില്ലാതെ അതെല്ലാം ബാക്കി വെച്ചുകൊണ്ടിരിയ്ക്കുന്നതു്. അങ്ങിനെയുള്ള ജന്മിയ്ക്കു് മൂന്നു നാലു കൊല്ലത്തെ ബാക്കി ഒന്നിച്ചുകൊടുക്കുന്നപക്ഷം ഏതൊരു ജന്മിയാണു് അതു് സമ്മതിയ്ക്കാതിരിയ്ക്കുന്നതു്? ഞങ്ങൾ ഇവിടെ അവകാശത്തിനുവേണ്ടി വാദിയ്ക്കുകയല്ല, ആശ്രയിയ്ക്കുകയാണു ചെയ്യുന്നതു്. അതുകൊണ്ടു് ഈ വിഷയത്തിൽ ഒന്നുകൂടി ഗവമ്മെൻറിൻറെ ദയാദാക്ഷിണ്യം പതിയണം. സാധു കുടിയാനവന്മാരുടെകായ്ത്തിൽ വെട്ടിക്കുറച്ചിട്ടുള്ള പാട്ടബാക്കി മുഴുവൻ ഒരു കൊല്ലത്തെ പാട്ടബാക്കിയാണെന്നു നിശ്ചയിച്ചു് ഒന്നായിട്ടു കൊടുക്കണമെന്നുള്ള നിയമംവെച്ചാൽ മതി. ഇതിൽ ദിവാൻജിയവർകളും കൂടി മനസ്സുവെക്കണം.

മിസ്റ്റർ സി. എൻ. ഇട്ടിരവിനമ്പൂതിരിപ്പാട്: അതു് എങ്ങിനെ വസൂലാക്കുവാൻ സാധിക്കും?

മിസ്റ്റർ ടി. കെ. നായർ: മൂന്നു കൊല്ലത്തെ ബാക്കി വസൂലാക്കാൻ നിവൃത്തിയില്ലാത്തവരോടു് പത്തും പന്ത്രണ്ടും കൊല്ലത്തെ ബാക്കി എങ്ങിനെവസൂലാക്കും? അത്രയുംകാലം ബാക്കിയുണ്ടെന്നുള്ളതു പുസ്തകത്തിൽ കണ്ടാൽ മതിയൊ? മതിയെന്നാണു് സമാധാനമെങ്കിൽ എനിക്കു വിരോധമില്ല.

മിസ്റ്റർ ബി. എം. പീറർ: സർ, പാട്ടച്ചീട്ടിലെ നിശ്ചയമനുസരിച്ചു ഒരു കുടിയാനവൻ പ്രവർത്തിയ്ക്കുന്നപക്ഷം ബില്ലുമൂലം അവനു കിട്ടുവാനുള്ള ആനുകൂല്യങ്ങളും കിട്ടുകയില്ലെന്നുള്ള ഒരു തീർപ്പു ഈ നിയമത്തിൽ വെച്ചാൽ തീർച്ചയായും സാധുകുടിയാനു ബില്ലുകൊണ്ടു കൊടുപ്പാൻ ഉദ്ദേശിച്ചിട്ടുള്ള ഗുണത്തിൽ അവനു ഒരു പൈപോലും കിട്ടുകയില്ലെന്നു എനിയ്ക്കു പറയുവാൻ സാധിക്കും. എന്തെന്നാൽ മിക്കപാട്ടച്ചീട്ടുകളിലും പലേവരത്തിലുള്ള ഓരോ കാര്യങ്ങളും ജന്മി ഭോഗമായി പെടുത്താറുണ്ടു്. അനന്തപൂജ അടിയന്തിരത്തിനു ഒരു കുഴകായ്ക കൊടുക്കണമെന്നുണ്ടെങ്കിൽ കുടിയാനവൻ ഒരു കൃസ്ത്യാനിയായിരുന്നാൽ അവൻ എപ്പോഴും അനന്തപൂജയും കാത്തിരിക്കണം. ശിവരാത്രി അടിയന്തിരത്തിനു അരിയ്ക്കുക്കുല കൊടുക്കണമെന്നുണ്ടെങ്കിൽ അയാൾ എപ്പോഴും ശിവരാത്രിയും കാത്തിരിയ്ക്കണം. അതുപോലെ ദേവസ്വം ഉത്സവപുരകെട്ടുന്ന അവസരത്തിൽ ഒരു കെട്ടു മാല കൊടുക്കണമെന്നുണ്ടെങ്കിൽ അയാൾ ദേവസ്വം ഉത്സവപുര കെട്ടുന്നതു തിരക്കിയിരിക്കണം ഇതിനു ഏതെങ്കിലും വിഘ്നം വരുത്തിയാൽ അവനു കിട്ടാവുന്ന ആനുകൂല്യങ്ങളൊന്നും ഈ

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ബില്ലുമൂലം കിട്ടുകയില്ല. അതുകൊണ്ടു ഇത്രയും പരിതാപകരമായും ശക്തിയായുമുള്ള ഈ തരത്തിലുള്ള അനാവശ്യനിയമംകൊണ്ടു കൂടിയാന്മ കൊട്ടുക്കുവാൻ ഉദ്ദേശിക്കുന്ന സൌജന്യത്തെ തടയുവാൻ പാടില്ലെന്നാണു് എനിക്കു പറയുവാനുള്ളതു്.

Mr. President: Is there any way of distinguishing these miscellaneous payments, *vazhakkula*, and the like, from the real pattam?

Mr. K. P. Kannan Nayar *(Secretary to Government):* I do not think there are such miscellaneous items if we confine ourselves to pattam alone.

Mr. President: According to this Bill, if a man defaults in the payment of these miscellaneous things, will he be penalised?

Mr. K. P. Kannan Nayar *(Secretary to Government):* These are called puravakas, and they are included in the michavaram. But in the case of pattam there is no such thing. In fact it was the opinion of the Select Committee to exempt these puravakas, because it was thought that the definition of michavaram doesn't include these puravakas also.

മിസ്റ്റർ കെ. അയ്യപ്പൻ: ഇതു വെറുതെ അലങ്കാരത്തിനു വേണ്ടി പറഞ്ഞതാണു്. വാഴക്കുലയും മറ്റും കൊടുപ്പാൻ അത്ര വിഷമമൊന്നും ഇല്ല. പാട്ടംകൊടുക്കുവാനാണു് വിഷമം.

Mr. E. Ikkanda Warriar *(Cheruthuruthi):* It is only a matter of four annas.

Mr. President: With some people, *vazhakkula* is important.

Mr. T. P. Poulose *(Kanayannur):* I want only to suggest that if these small insignificant payments are defaulted, and if it leads to harassment by the jenmeis, it is better to exempt these payments by an explanation to the section.

Mr. K. Achyuta Menon *(Diwan Peishkar):* This may be added as an explanation to the clause "michavaram for the purpose of this sub-section should not include puravaka dues".

Mr. President: You draft an amendment, and move it at the time of the third reading.

Mr. K. P. Kannan Nayar *(Secretary to Government):* Yes, Sir.

മിസ്റ്റർ പത്തൂർ അച്യുതമേനോൻ: സർ, ബഹുമാനപ്പെട്ട ഗവൺമെണ്ടിലേക്കുവേണ്ടി ബഹുമാനപ്പെട്ട ഗവൺമെണ്ടു സിക്കുട്ടറിയവർകൾ അവതരിപ്പിച്ചുതായ ഭേഗതിയെ ജന്മി മെമ്പറൊ, ജന്മിമാരിൽപെട്ട മാറു പ്രതിനിധികളൊ അനുകൂലിച്ചിരുന്നാൽ തീർച്ചയായിട്ടും മനസ്സിലാക്കുവാൻ സാധിയ്ക്കുമായിരുന്നു. നേരെമറിച്ചു, ജന്മപ്രതിനിധികൾ ആക്ഷേപിച്ചതു കണ്ടപ്പോൾ വലിയ ആശ്ചര്യമാണു തോന്നുന്നതു്. എന്റെ ഇതുവരെയുള്ള അനുഭവത്തിൽ പെട്ടിടത്തോളം വളരെ ചുരുക്കംപേർ മാത്രമെ പാട്ടം, മിച്ചവാരം വകയിൽ

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ബാക്കി തീർക്കുവാനുള്ളൂ. കൊടുക്കുവാൻ തീരെ നിവൃത്തിയില്ലാത്തവരാണ് അതു കൊടുക്കാതിരുന്നിട്ടുള്ളതു്. ഇങ്ങിനെ ഒരു ബിൽ അവതരിപ്പിയ്ക്കുന്നതും പാസ്സാക്കുന്നതു കൊണ്ടുള്ള ഗുണം കൂടിയാനവന്മാർക്കില്ലെങ്കിൽ വാസ്തവത്തിൽ എനിയ്ക്കു ബഹുമാനപ്പെട്ട ശവംമ്മെണ്ടിനെ മനസ്സിലാക്കുവാനുള്ളതു്, ഈ ബിൽകൊണ്ടു് ശവമ്മെണ്ടുദ്ദേശിക്കുന്നതു കൂടിയാന്മാരുടെ മരു "പോട്ടകഴിക്കൽ" മാത്രമാണെന്നാണ് (ഹിയർ, ഹിയർ). മൂന്നു കൊല്ലത്തെ പാട്ടവും മിച്ചവാരബാക്കിയും മാത്രമല്ല പിരിയ്ക്കുവാൻ പാടുള്ളുവെന്നുള്ള നിയമം വരുന്നുണ്ടെന്നു കേട്ടപ്പോൾതന്നെ മിക്ക ജന്മിമാരും പന്ത്രണ്ടും പതിന്നാലും കൊല്ലത്തോളം പിരിയാനുള്ള പാട്ടമിച്ചവാരബാക്കികളിൽ, കൂടിയാനവന്മാരിൽ നിന്നും കിട്ടാവുന്നിടത്തോളം സംഖ്യയ്ക്കു നോട്ടെഴുതിത്തരുവാനാവശ്യപ്പെട്ടു എഴുതി വാങ്ങിക്കഴിഞ്ഞിട്ടുണ്ട്. ചിലർ കടം വാങ്ങിയാണു് ബാക്കി കൊടുക്കാനുള്ളതു കൊടുത്തുതീർത്തിരിയ്ക്കുന്നതു്. അങ്ങിനെയുള്ള കടവും തന്നാണ്ടു പാട്ടവും ഇന്നു ഉടനടി ആ കൂടിയാന്മാർ അടക്കണം. കടക്കാരെയും കൂടിയാന്മാരേയും രക്ഷിയ്ക്കുവാനാണ്" ഈ വിധം ഒരു നിയമം ഉണ്ടാക്കുന്നതു്.

Dr. A. R. Menon *(Minister for Rural Development):* Are there many cases of that kind?

Mr. Puthur Achyuta Menon *(Kattur):* There are so many cases.

ജന്മിമാരാണെങ്കിൽതന്നെ ഡാക്ടർജക്കിൽവ്വും മിഹൈഡ് വ്വും ഇങ്ങിനെ രണ്ടാണ്. ഇവിടെ സന്നിഹിതരായ നമ്മുടെ സ്നേഹിതരെപ്പോലെ പലരും നല്ലവരുണ്ടു്; പലരും മറുതരക്കാരുമുണ്ടു്. ഇങ്ങിനെ ഒരു നിയമം കൊണ്ടുവരുന്നുണ്ടെന്നറിഞ്ഞിട്ടതന്നെ അവർ കൂടിയാന്മാർ തീർക്കുവാനുള്ള സംഖ്യകൾ തീർപ്പിയ്ക്കുവാനും, മറുപ്രകാരത്തിൽ രേഖകൾ വാങ്ങിയ്ക്കുവാനുമായിട്ടു തീവ്രയത്നം ചെയ്യുന്നുണ്ടു്. ഇതു പലേനിലക്കും മട്ടന്നൂരന്നെയാണ്. കൂടിയാന്മാർ കടം വാങ്ങിയിട്ടുള്ള സംഖ്യകൾ കൊടുത്തു തീർക്കണമെന്നുണ്ടെങ്കിൽ ആട്ടത്തെ കൊയ്ത്തു കഴിയണം. അങ്ങിനെയിരിയ്ക്കേ തന്നാണ്ടു പാട്ടവും കൊടുക്കണം; കടവും വീട്ടണമെന്നുവെച്ചാൽ യാതൊരു നിവൃത്തിയുമില്ല. തന്നാണ്ടുപാട്ടം തീർത്തില്ലെങ്കിൽ ബില്ലിലെ മുഴുവൻ രക്ഷയും പോകുമെന്നു പറയുന്നതു കഷ്ടമാണ്.

കൂടിയാനവന്മാർ അധികവും ജന്മികളെ ആശ്രയിച്ചു കഴിയുന്നവരാണ്. ജന്മിമാരെ എതിർക്കുവാൻ മാത്രം കെൽപ്പുള്ള ഒരു കൂടിയാനവൻപോലും ഈ കൊച്ചീരാജ്യത്തില്ല (ഹിയർ, ഹിയർ). ഇങ്ങിനെ ഒരു വ്യവസ്ഥ ഈ നിയമത്തിലുണ്ടായാൽ ഈ നിയമംകൊണ്ടു് കൂടിയാന്മാർക്കു എന്തുരക്ഷ കിട്ടുമെന്നുദ്ദേശിക്കുന്നുണ്ടോ അതെല്ലാം പോകും. അതുകൊണ്ടു് ഇതിലുള്ള പീനൽ ക്ലാസ്സു മുഴുവൻ എടുത്തുകളഞ്ഞു തന്നാണ്ടുപാട്ടമൊ മിച്ചവാരമൊ തീർക്കാഞ്ഞാൽ വെട്ടിച്ചുരുക്കി കൊടുക്കുവാനുള്ള സംഖ്യയും കൊടുക്കുവാൻ അനുവദിക്കണമെന്നാണ്" ഞാൻ പറയുന്നതു്.

Dr. A. R. Menon *(Minister for Rural Development):* I suppose, if they commit a default, they may be asked to remit the whole amount within another six months. If they don't pay the whole amount, this clause may become operative.

Mr. President: That will be still further extending the term.

Dr. A. R. Menon *(Minister for Rural Development):* That is only 6 months more. Is it not?

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Mr. President: In the first place there will be too many complications. I do not think we need introduce that.

*മിസ്റ്റർ സി. എൻ. ഇട്ടിരവിനമ്പൂതിരിപ്പാട്": സർ, ബഹുമാനപ്പെട്ട കാട്ടു മെമ്പർ പറഞ്ഞതുപോലെയുള്ള കുടിയാനവന്മാരും ജന്മിമാരും ഉണ്ടെങ്കിൽ ഈ നിയമത്തിൽ അവരെ പെടുത്താതെ, അവർക്ക് ഈ നിയമം ബാധിക്കാത്തതരത്തിൽ വേറെ ഒരു ക്ലാസ്സിൽ നിറുത്തണമെന്നാണ് എനിയ്ക്കു പറയുവാനുള്ളതു്. ഈ നിയമമൊന്നുമില്ലാതെതന്നെ സാധാരണയായി മര്യാദക്കാരായ ആളുകൾ ഇപ്പോഴും പ്രവർത്തിച്ചുവരുന്നുണ്ടു്. കുടിയാനവനു വിട്ടുകൊടുത്തതു രണ്ടാമതും മടക്കിക്കിട്ടണമെന്നുള്ള മോഹം ജന്മിമാക്കില്ല. അങ്ങിനെ വിട്ടുകൊടുത്തതു തിരിയെ മേടിച്ചുതരുവാനായിട്ടു ഗവർമ്മെണ്ടു് ഒരു നിയമമുണ്ടാക്കുന്നപക്ഷം ഈ പീനൽക്ലാസ്സു എടുത്തുകളയുന്നതുകൊണ്ടു വിരോധമില്ല.

മിസ്റ്റർ എം. കെ. മൊയ്തീൻ: ബഹുമാനപ്പെട്ട മെമ്പർക്കു ഒരു പൈ എങ്കിലും ഇപ്പോൾ മിച്ചവാരബാക്കി പിരിയുവാനുണ്ടോ?

മിസ്റ്റർ സി. എൻ. ഇട്ടിരവിനമ്പൂതിരിപ്പാട്": നിങ്ങൾ വല്ലതും തരുവാനുണ്ടെങ്കിൽ പിരിയുവാനുണ്ടു്.

Mr. President: I would suggest, in the third reading, a clause that no member of the Legislative Council shall get any benefit under this Act. *(Laughter).*

മിസ്റ്റർ സി. വി. ഇഗ്നു: എന്റെ ബഹുമാന്യന്മാരായ *സ്നേഹിതന്മാരുടെ ഇന്നത്തെ നിലകൊണ്ടു ഗവർമ്മെണ്ടിന്റെ നില മാറുന്നതു കാണുമ്പോൾ എന്റെ അഭിപ്രായം ഈ സഭയുടെ സ്വീകരിച്ചിരുന്നെങ്കിൽ ഗവർമ്മെണ്ടു് ഇപ്പോഴത്തേതിലും കഷ്ടകർക്കു കൂടുതൽ ആശ്വാസകരമായ ഭേദഗതികളെ സ്വീകരിക്കുമായിരുന്നു എന്നുള്ളതു സംശയമില്ലാത്ത സംഗതിയാണു്. നമ്മുടെ ബഹുമാനപ്പെട്ട ദിവാൻജിയവർകൾ നമ്മെപ്പോലെതന്നെ നിയമസഭാ മെമ്പരായിരുന്നു, നമ്മെപ്പോലെതന്നെ വോട്ടുസമ്പാദിച്ചു, പൊതുക്കാര്യങ്ങളിൽ പ്രവർത്തിച്ചു, ജനകീയാഭിപ്രായങ്ങൾക്കുവേണ്ടി വാദിച്ചു, പൊതുജീവിതത്തിൽ ഉയർന്നുവന്നിട്ടുള്ള ആളാണു". അദ്ദേഹത്തിനു മനുഷ്യരുടെ ബുദ്ധിമുട്ടുകളെല്ലാം നല്ലപോലെ അറിയാം. നിയമസഭാ മെമ്പർമാരെ ഇങ്ങിനെയുള്ള കാര്യങ്ങളിൽ എങ്ങിനെ നയിക്കണമെന്നും അദ്ദേഹത്തിന്നറിയാം. നമ്മുടെ നിയമസഭാ മെമ്പർമാരെ അദ്ദേഹത്തിന്റെ അഭിപ്രായത്തോടു അനുകൂലിപ്പിക്കുന്നതുകൊണ്ടും അദ്ദേഹം പ്രവർത്തിച്ചുതിൽ ഞാൻ അദ്ദേഹത്തിന്റെ സാമർത്ഥ്യത്തെ അനുമോദിക്കുന്നു. ഇന്നത്തെ നിയമസഭയുടെ നിലകൊണ്ടു".....

Mr. President: I think the hon'ble member can talk about the amendment.

Mr. E. Ikkanda Warriar *(Cheruthuruthi):* This is another funeral oration, Sir.

മിസ്റ്റർ കെ. അയ്യപ്പൻ: സർ, ബഹുമാനപ്പെട്ട കുന്നംകുളം മെമ്പർ ഈ ബില്ലിനു എതിരാണെന്നുള്ളതു ദിവാൻജി അവർകൾ അറിഞ്ഞിരിയ്ക്കയില്ലേ?

മിസ്റ്റർ സി. വി. ഇഗ്നു: കുണയന്നൂർ മെമ്പരുടെ സൂത്രങ്ങൾ എന്റെ നിയോജകമണ്ഡല നിവാസികളോടു് ഫലിക്കയില്ല. ഞാൻ ബില്ലിനു് എതി

* Speech not corrected by the hon'ble member.

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രോ അനുകൂലിയോ എന്ന എനിയ്ക്കും എന്നെ തിരഞ്ഞെടുത്തയച്ചവർക്കും അറിയാം. ഞാൻ കണയന്നൂർ മെമ്പരുടെ ചോദ്യത്തിൽ ഭയപ്പെടുന്ന ആളല്ല. "കുപ്പിയിൽ പഞ്ചസാര അടച്ചുവെച്ചിട്ട മുദ്രവെച്ചിട്ടുള്ളതുപോലെയുള്ള" ഒരു ബില്ലാണെന്നുള്ളതിലാണു് എനിക്കു് സങ്കടം തോന്നുന്നതു്. ജനകീയപക്ഷത്തേക്കനുകൂലമായ ഭേദഗതിയോടുകൂടി പൂർണ്ണമായി യോജിക്കുന്നതു എനിക്കു സന്തോഷമാണു്.

Mr. President: As a matter of fact what is being discussed is the Government amendment. Concerning that amendment no other suggestion has been made except the definite suggestion contained in the amendment of Mr. C. V. Iyyu, which is simply a matter of detail. I want the hon'ble members to remember that, in discussing this amendment.

*മിസ്റ്റർ സി. ആർ. ഇയ്യുണ്ണി: ഇതിനെപ്പറ്റിയുള്ള രണ്ടു മൂന്നു വിഷമങ്ങൾ ഇവിടെ ചൂണ്ടിക്കാണിക്കുകയുണ്ടായി. ഒന്നാമതു" (Due date) അതായതു തിയ്യതിക്കുള്ളിൽ കൊടുക്കണമെന്നുള്ളതാണു്. അതു് ദിവാൻ പ്രസിഡെണ്ടു് അവർകൾ പറഞ്ഞതുപോലെയാണെങ്കിൽ റിലീഫ് ഉണ്ടു്. രണ്ടാമതു തന്നാണ്ടു് പാട്ടം കൊടുക്കുമ്പോൾ പഴയ ബാക്കികുടിശ്ശിഖവെച്ചു് രസീതു കൊടുക്കുകയാണെങ്കിൽ വിഷമമാണു്. അതായതുകൊല്ലത്തെ പാട്ടസംഖ്യ അതായതുകൊല്ലം കൊടുക്കുവാൻവേണ്ടി ഒരു നിയമം ആവശ്യമാണു്. എന്നാൽ "As provided in the contract of tenancy or where there is no such contract the dates specified in the Tenancy Act, XV of 1113, the landholder shall be entitled to recover from the Agriculturist the entire arrears realisable at the commencement of this Act as if the same had not been scaled down under sub-section (2) together with 6 per cent per annum" ഇതുകൊണ്ടുവരുന്ന ഭേഷിച്ചതു് കുടിയാന്മാക്കു വളരെ നഷ്ടമായിട്ടുള്ളതാണു്. That will work as an inducement also for the tenant to pay up the *pattam*. ഇതാണു് എനിക്കു പറയുവാനുള്ളതു". അങ്ങിനെവരുമ്പോൾ ജന്മികൾക്കും അരപ്പണപ്പലിശ കിട്ടിയെന്നുള്ള ചാരിതാർത്ഥ്യമുണ്ടു്. ഇതാണു് എനിക്കു പറയുവാനുള്ളതു്.

Mr. President: I think there has been sufficient discussion on the point. There are no amendments actually before the House regarding this. We have no amendment before the House, and I think we have to understand the various positions and the various *pros* and *cons*. I am prepared to suggest for the acceptance of the Government three amendments.

Firstly to make it clear that, for the purpose of these payments michavaram shall not include puravakas,

secondly, another amendment to the effect that, when payments are made by the tenant during the year beginning from 1115 onwards, it shall first be appropriated towards current year's dues, and

*Speech not corrected by the hon'ble member.

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thirdly, a further concession that, in case of failure on the part of the tenant, it is only the total arrears beginning from 1st Chingam 1107 that is payable. In any case all the arrears up to 1st Chingam 1107 will be wiped off. The position, I think, is understood. That is, just as we wipe off all interest up to 1st Chingam 1107 in any case, all arrears of pattam and michavaram for the period up to 1st Chingam 1107 will be wiped off. The maximum that a tenant will have to pay is only from 1st Chingam 1107.

Mr. C. R. Iyyunni *(Trichur-South):* That is only 8 years.

Amendment put and carried.

Mr. President: Does Mr. Iyyu want to move his amendment?

Mr. C. V. Iyyu *(Kunnamkulam):* I don't move. I declare that this amendment is a success to my amendment. *In clause 16 instead of "50 per cent" substitute the word "one-third" and delete the words "in one lump the entire amount or balance as the case may be of" in sub-clause 3 of clause 16.* I am thankful to the Government for accepting it.

Mr. M. K. Devassy *(Adur):* No member has a right to declare in this House. The President alone can declare in this House. I take objection to that.

Clause 16 as amended put and carried.

Clause 17

Mr. K. P. Kannan Nayar *(Secretary to Government): Substitute the following for clause 17 of the Bill.*

17 (1) Subject to the provisions of sub-section 4, the arrears of michavaram and interest thereon, payable by an agriculturist to a landholder or jenmi, at the commencement of this Act, whether the same be due as such or whether a decree has been obtained therefor, shall be scaled down in the manner specified in sub-section (2).

(2) All arrears of interest outstanding at the commencement of this Act and the entire michavaram in arrears for the period prior to the 1st Chingam of 1107 and 1/3 of the michavaram in arrears for the period subsequent thereto up to the commencement of this Act shall be deemed to be discharged, and only the balance shall be deemed to be the arrears due from the agriculturist at the commencement of this Act.

(3) The arrears as scaled down under sub-section (2) shall be payable in 3 equal annual instalments, the amount for the 1st instalment being payable on or before the last day of Karkadagam 1115 and the amount for each subsequent instalment being payable on or before the last day of Karkadagam of each succeeding year:

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Provided that if the agriculturist makes default in the payment of any default, the landholder may claim in one lump the entire or balance amount as the case may be of the arrears of michavaram as scaled down under sub-section (2) with 6 per cent interest from the date of default.

(4) Notwithstanding anything contained in sub-section (1), if, in any year during which an instalment is due under sub-section 3, the agriculturist makes default in the payment of the michavaram payable for that year on the due date as provided in the contract of tenancy or where there is no such contract the dates specified in the Cochin Tenancy Act, XV of 1113, the landholder or jenmi shall be entitled to recover from the agriculturist the entire arrears realisable at the commencement of this Act, as if the same had not been scaled down under sub-section (2) together with 6 per cent per annum simple interest from the date of default, after giving credit for the actual amount, if any, received by him.

Mr. President: Corresponding amendments will be made to this section.

Amendment put and carried.

Mr. President: Mr. C. V. Iyyu, do you want to make any declaration in regard to your amendment to this section? *(Laughter).*

Mr. C. V. Iyyu *(Kunnamkulam):* No, I don't move it.—*In clause 17 instead of the word "two-thirds" substitute the word "one-third" and delete the following words in the proviso of clause 17.—*

"in one lump the entire amount or balance as the case may be of."

Mr. V. N. Damodaran Nambiar *(Trippunittura):* Sir, my amendment relates to the assignment of decrees obtained for michavaram before 1107. As it is michavaram up till 1st Chingam 1107 is completely wiped off. In the case of michavaram, unlike pattam, it has been considered for a long time past to be a substantial right in property. Excepting Government dues, michavaram is considered as a first charge on the property. Several persons would have obtained decrees and these decrees would have been assigned to people whom we have defined as agriculturists in this Act. This provision protects only those persons who may be considered agriculturists under the definition, and who might have obtained transfers of decrees for michavaram for any period before 1107. I say, that such persons should be protected. It can be accomplished by adding a proviso to section 17. I therefore move the following amendment.—

"In clause 17 add the following further proviso: 'Provided that in the case of a decree obtained for michavaram and assigned to an agriculturist for valuable consideration before the commencement of

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this Act, the amount payable by the tenant shall be 2/3 of the arrears of michavaram covered by the decree, irrespective of the period during which the same accrued due'."

As it is, if the decree relates to michavaram due for any period prior to 1107, the Act does not give protection, even if the assignee be an agriculturist. My intention in bringing this amendment is to protect those agriculturists among us who might have obtained assignments of such decrees, by providing for payment of at least 2/3 of the total arrears of michavaram covered by such decrees. I don't think this is an amendment which touches any of the fundamentals that we have so far kept in view. I do not think the Government will have any objection in accepting this.

Mr. K. P. Kannan Nayar *(Secretary to Government):* It has been already stated in connection with another amendment moved by Mr. Kannu Pillai that the mere fact that the right has been assigned in favour of another, the right of the landlord to collect pattam or michavaram in favour of another should not affect the liability of the tenant. Now here the amendment confines its operation to an assignee who is an agriculturist. The man who has to pay also is an agriculturist. He will now be compelled to pay 2/3 of what otherwise would be wiped out under the provisions of this Bill. Government cannot accept that amendment.

The amendment was, by leave, withdrawn.

Clause 17 as amended put and carried.

Clause 18

Mr. C. V. Iyyu *(Kunnamkulam):* I move the following amendment:

Delete clause 18 and substitute as clause 18 the following:

(a) Notwithstanding any law or contract to the contrary, no landlord should be entitled to recover from the kanam tenant anything more than half of the (i) renewal fee and (ii) michavaram due to the landlord as per the Cochin Tenancy Act after the commencement of this Act:

Provided the Government may by notification in the Gazette alter and fix any other percentage from time to time.

ഇന ഭേദഗതി മേലിൽ വരുന്ന ചാത്തവകാശത്തെയും മിച്ചവാരത്തെയും നിയന്ത്രിക്കുന്നതിനുള്ളതാണ്. കുറെ കൊല്ലം മുമ്പ് വസ്തുക്കൾ ചാർത്തുന്ന സമയത്തുണ്ടായിരുന്ന കഷ്ടിക്കോല്ലുന്നങ്ങളുടെ വില ഇന്നില്ലെന്നുള്ളതു് ഈ സഭയും നമ്മുടെ ഗവൺമെൻറും മറെറല്ലാ ഗവൺമെൻറുകളും സമ്മതിച്ചിട്ടുള്ളതാണ്.

Mr. President: I think the amendment is not in order.

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Mr. K. P. Kannan Nayar *(Secretary to Government):* It is not in order.

Mr. President: What is the relation between the amended section and the original section? Clause 18 is for setting off the arrears against the value of improvements. The amendment has no relation to this.

Mr. K. P. Kannan Nayar *(Secretary to Government):* Mr. Iyyu's amendment is as follows:

Delete clause 18, and substitute as clause 18 the following.—

Notwithstanding any law or contract to the contrary no landlord shall be entitled to recover from the kanam tenant anything more than half of the (*i*) renewal fee and (*ii*) michavaram due to the landlord as per the Cochin Tenancy Act after the commencement of this Act. This is entirely a different section which has no relation with clause 18 of the Bill.

Mr. President: I say you cannot introduce a new section. You can amend the existing section.

Mr. C. V. Iyyu *(Kunnamkulam):* Clause 18 has been entirely deleted and in its place another clause has been added.

Mr. President: No. It cannot be allowed.

Mr. K. P. Kannan Nayar *(Secretary to Government): In clause 18 of the Bill.—*

substitute the word and figure "section 17" for the words and figures "sections 16 and 17" and

delete the words "pattam or" and the words "as the case may be".

This amendment confines its operation only to michavaram. It is only for that purpose that this is introduced.

Amendment put and carried.

Clause 18 as amended put and carried.

Clauses 19 and 20 put and carried.

Clause 21.

Mr. K. Ashtamoorthi Nambudiripad *(Landholders):* The following is my amendment:

In clause 21 add the words "any other law for the time being in force," after the word "Chapter", and also add the following as a sub-clause (c).—

"The amount payable to the land-holder, jenmi or intermediary under this section shall be paid together with 6 per cent per annum

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simple interest together with the instalments of pattam or michavaram payable under section 16 or 17."

There is no provision in the Bill for payment of arrears of revenue. So I have added a new clause in section 21. I think this will be accepted by the Government. Otherwise the jenmies will be put to trouble. There will be necessity for filing another suit for arrears of revenue alone. So this amendment is necessary. That may be accepted.

Mr. K. P. Kannan Nayar *(Secretary to Government):* Government cannot accept it. Now, there is the right given to the jenmi to recover arrears and to insist that that amount also should be paid along with the current year's pattam. The House has already heard the discussion that was evoked in the case of puravaka dues. The jenmi wants the arrears, the current pattam, and also the amount of revenue to be paid together. The Government cannot accept this. There is already a right for the jenmi to recover it.

Mr. P. Govinda Menon *(Mulakunnathukavu):* The tenant is put to difficulties.

Mr. K. P. Kannan Nayar *(Secretary to Government):* Let the tenant pay.

Amendment withdrawn.

Clause 21 put and carried.

Clause 22 put and carried.

Clause 23

Mr. Puthur Achyuta Menon *(Kattur): In clause 23 (1) substitute "1st Vrischigam 1114" for "17th Meenam 1114".*

We were informed that the date is put, considering the time when the two non-official Bills were introduced in the Council for consideration. Originally it was 1st Vrischigam 1114 and it has been changed subsequently to 17th Meenam.

Mr. President: What is the object? It is only to see that the people are not trying to evade us. Therefore we have put the date as 17th Meenam 1114.

Mr. K. P. Kannan Nayar *(Secretary to Government):* The Select Committee was of opinion that that date should be put instead of 1st Vrischigam.

Mr. C. R. Iyyunni *(Trichur-South):* They get only proportionate cost.

Mr. C. A. Kunjunni Raja *(Advocate-General):* It is only with regard to costs, regarding suits filed after 1st of Vrischigam.

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In the original Bill the date fixed was 1st Vrischigam, because the non-official Bills were introduced then. Now, it was agreed in the conference that the date of the meeting in the Diwan's House may be taken as the date, because it is only from that date that the public came to know that Government was contemplating a legislation.

Mr. Puthur Achyuta Menon *(Kattur):* Previously when the two non-official Bills were introduced, the public had known about it. Now it has been changed to the 17th of Meenam 1114. So it will affect the debtor class.

Mr. M. K. Devassy *(Adur):* This is one of the sections where the Select Committee has gone a bit retrograde. The reason was this. Our Bills were introduced in Vrischigam—probably the public have not thought that they would come in the proper shape of legislation. They instituted their suits in the natural course. The only time to be fixed is either the date of the conference or the date of the communique. So we thought it will be too much to penalise those who instituted a suit under normal circumstances.

Mr. C. V. Iyyu *(Kunnamkulam):* My amendment is the same. So I can move it along with this.

Mr. President: All the dates will be considered together.

In clause 23 (1) of the Bill instead of "17th Meenam 1114" substitute "1st Vrischigam 1114". (V. K. Krishnankutty)

In clause 23 (1) substitute "1st Vrischigam 1114" for 17th Meenam 1114". (Puthur Achyuta Menon)

In clause 23 (1) delete the words "17th Meenam" and substitute the words "1st Vrischigam". (C. V. Iyyu)

In sub-clause (1) of clause 23, the words "8th Edavam" be substituted for the words "17th Meenam". (V. P. Kannu Pillai)

In clause 23 (2) instead of "17th Meenam 1114" substitute "1st Vrischigam 1114". (V. K. Krishnankutty)

In clause 23 (2) substitute "1st Vrischigam 1114" for "17th Meenam 1114". (Puthur Achyuta Menon)

In clause 23 (2) delete the words "17th Meenam 1114" and substitute the words "1st Vrischigam 1114". (C. V. Iyyu)

I will now put the proposition to vote.

Amendments put and lost.

Clause 23 put and carried.

Clauses 24, 25, 26 and 27 put and carried.

Clause 28

Mr. K. M. Ibrahim *(Cranganur):* Regarding clause 28, I had given notice of an amendment, which, due to some accidental

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circumstance, is not seen in the printed list. That is not against the scope of the Bill. I want to show that it is not against the intention of the Government. It is only to amplify the intention of the Government.

Mr. President: Was it not given in time?

Mr. K. M. Ibrahim *(Cranganur):* As a matter of fact it was given in time.

Mr. President: Any way you may explain the point.

Mr. K. M. Ibrahim *(Cranganur):* The point is this. Here the Government's intention is to set aside all the sales from 1st Vrischigam 1114. A contingency may arise by which the original sale was effected in Thulam, but the confirmation of which might have happened in Vrischigam. As a matter of fact, Government's intention is that all the matured sales must be set aside. So this is just to make the point clearer. Then only the real protection intended by the Government will be given. As a matter of fact, in the transaction of other lands this objection was taken in courts, and it was held that the point was not very clear in the section.

Mr. President: Let us understand the point.

Mr. K. M. Ibrahim *(Cranganur):* I request that this may be accepted.

Mr. President: What about the point?

Mr. K. P. Kannan Nayar *(Secretary to Government):* The clause as it stands is this. "Where in execution of any decree any movable property of an agriculturist has been sold on or after the 1st of Vrischigam 1114, any judgment-debtor may apply to the court for an order that the provisions of sections 8 or 9 as the case may be and of sections 12 and 13 be applied to the decree, and the court, shall, if it is satisfied that the applicant is an agriculturist entitled to the benefits of those sections, apply the same, and order the decree-holder to refund any sum received by him on or after the 1st Vrischigam 1114, in excess of the amount to which he would have been entitled if the property had not been sold."

Where will this section come into operation? What the hon'ble member says is that the word "confirmed" also should be added. A sale might have taken place 5 years ago. There might have been objections and it might have been pending for so many years. It is only in case where the property has been sold in court that this benefit can accrue. In fact there are many instances where a sale might have taken place years ago, but has not been confirmed, due to objections raised by the judgment-debtor.

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Mr. K. M. Ibrahim *(Cranganur):* Only one month is required for confirmation.

Mr. K. P. Kannan Nayar *(Secretary to Government):* But there are cases where confirmation never takes place for years together. The disposal of objections takes a long time. It all depends upon the tactics played by the judgment-debtor in court. Such instances are not uncommon. There are cases where sales have taken place long before, but the decree-holder has not been able to get the benefit of the sale, some objection or other being raised by the judgment-debtor. The hon'ble member wants to have the benefit for this class of judgment-debtors also. Government cannot agree to it.

Mr. V. J. Mathai *(Planters):* Then there will be appeals, 1st appeal, 2nd appeal, etc.

Mr. K. M. Ibrahim *(Cranganur):* These are only exceptional cases.

Mr. President: Is there any way of protecting these people whose sales have taken place in the month of Thulam?

Mr. K. M. Ibrahim *(Cranganur):* Because in ordinary cases only one month is taken for confirmation. In such cases can the Government kindly give some protection?

Mr. President: I think it is only in very few cases.

Mr. K. P. Kannan Nayar *(Secretary to Government):* In all cases.

Mr. K. R. Viswambharan *(Ezhuvas-Talappalli):* That is not so.

Mr. K. P. Kannan Nayar *(Secretary to Government):* That has been my experience. There are cases in which sale is confirmed after 15 months.

Mr. K. M. Ibrahim *(Cranganur):* There are cases in which the sale is confirmed within one month.

Mr. President: Cases in which the sale is confirmed after one month, I think, will be very few.

Mr. K. M. Ibrahim *(Cranganur):* In such cases at least cannot some protection be given.

Mr. President: How exactly are we to give effect to that?

Mr. M. K. Devassy *(Adur):* The date of sale will have to be changed to Thulam.

Mr. K. Kochukunhan Kaimal *(Vadakkancheri):* Sales which have taken place in Thulam may be reopened but not sales which have taken place years ago.

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Mr. C. A. Kunjunni Raja *(Advocate-General)*: Is there any particular case in view in protecting sales conducted in Thulam?

Mr. K. M. Ibrahim *(Cranganur)*: That may kindly be accepted.

Mr. President: There must be a reason, if the House really wants to change the date to the 1st of Thulam. I do not know whether the House is not convinced of the necessity of the amendment. If there is no objection, in principle we have no objection to accept the amendment.

Mr. M. K. Devassy *(Adur)*: The only way of securing it is by shifting the date of sale to Thulam. There is absolutely no harm.

Mr. E. Ikkanda Warriar *(Cheruthuruthi)*: But there is no principle involved in this.

Mr. V. J. Mathai *(Planters)*: In the case of section 23 (1), we have fixed 1st Vrischigam. I do not know whether the Bill as a whole will read well.

Mr. K. P. Kannan Nayar *(Secretary to Government)*: Unless the member has any particular case in view, I do not think there will be any purpose served.

മിസ്റ്റർ കെ. അയ്യപ്പൻ: കുറെ പേർക്കെങ്കിലും രക്ഷയുണ്ടെങ്കിൽ അതുകൊണ്ട് ഗവൺമെൻറിനു നഷ്ടമുണ്ടോ?

Mr. T. V. Subramania Ayyar *(Nemmara)*: There must be some legal principle involved in this case.

മിസ്റ്റർ കെ. എസ്സ്. പണിക്കർ: കഴിഞ്ഞ കർക്കടകത്തിൽ ബ്രിട്ടീഷിൽ പാസ്സാക്കിയതുപോലെ ഇവിടേയും ഉടനെ ഒരു ബിൽ ഒരു വിളംബരം മൂലം പാസ്സാക്കണമെന്ന് ഈ നിയമസഭയിൽ ഒരു റസലൂഷൻ പാസ്സാക്കിയതുകൊണ്ട് വിധി ഉടമസ്ഥന്മാർ ആ ബില്ലിനെ ഭയന്ന് വസ്തു ലേലത്തിൽ വിറ്റൊടുത്തിട്ടുള്ളതാണ്. കടക്കാരായ വളരെ ആളുകൾക്ക് അതുമൂലം ബുദ്ധിമുട്ടും നഷ്ടകഷ്ടവും ഉണ്ടായിട്ടുണ്ട്. തുലാം ഫാംനു മുതൽ എന്നു ഭേദപ്പെടുത്തുന്നതായാൽ തുലാമാസത്തിൽ ലേലത്തിൽ വിറ്റുപോയിട്ടുള്ളതിന്നും കൂടി ബാധിക്കുന്നതും തൻമൂലം വളരെ കടക്കാർക്ക് രക്ഷകിട്ടുന്നതും ആകുന്നു.

മിസ്റ്റർ സി. ആർ. ഇയ്യുണ്ണി: അങ്ങിനെയൊന്നുമില്ല.

Mr. T. P. Poulose *(Kanayannur)*: Of course there is no particular sanctity for 1st Thulam 1114. What Mr. Ibrahim wants is that sales confirmed on or before the 1st of Vrischigam should be protected. The only possible way is to fix the date of sale as Thulam 1114. Not that there is any peculiar sanctity for 1st Thulam, but that is the only way of giving effect to the intention of Mr. Ibrahim, that sales confirmed before 1st of Vrischigam 1114 should be protected.

Mr. President: The amendment is accepted.

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Mr. K. P. Kannan Nayar *(Secretary to Government): In clause 28 of the Bill (a) substitute the following for the paragraph occurring before the proviso.*

"The court shall, if satisfied that the applicant is an agriculturist entitled to the benefits of this Act, order the foreclosure or sale to be set aside on payment of the value of improvements, if any effected by the decree-holder or order the excess amount drawn by the decree-holder to be refunded."

(b) In sub-clause 2 for the words "first charge" substitute the words "charge subject to previous charges, if any, existing on the date of the sale".

Amendment put and carried.

Mr. A. L. Antony *(Irinjalakkuda):* This is my amendment: *Clause 28. In the paragraph before the proviso add the following, between the words "this Act" and "on payment", "and that it is satisfied that he is able to pay off the scaled down debt", and,*

between the words "on payment" and "of the value", add the following "of any amount paid on behalf of the property like tax, arrears of michavarem, pattam or prior encumbrances and such like payments, if any, made by the purchaser."

I want to explain. Only an agriculturist is entitled to the benefit of this Act. For a chronic indebted man, who has got only one property, and that property is sold away, even after the debts are scaled down, what is the earthly use of setting aside that sale, and then making the creditor go through the whole process? Anyhow, an enquiry has to be gone into by the court. The creditor wants the evidence to be gone into by the court, to see whether he is entitled to the benefits of the Act. The *status quo* has to be maintained. We must be guarded in that matter.

Mr. President : Evidently the amendment does not find much favour with the House.

മിസ്റ്റർ വി. പി. കണ്ണപിള്ള : ഇതിൽ ചില വിഷമങ്ങളുണ്ട്".

മിസ്റ്റർ പ്രസിഡൻറ്: വിഷമങ്ങളുണ്ടെങ്കിൽ 3rd reading-ൽ പറയാമല്ലൊ.

മിസ്റ്റർ വി. പി. കണ്ണപിള്ള : ഈ സെയിൽസ് സെറ്റസെയിഡ് ചെയ്യുന്നതിനു ബുദ്ധിമുട്ടുണ്ട്. ലേലക്കാർക്കും വിഷമം വരും. ആദ്യം ലേലംചെയ്യ ആക്ഷേപമുണ്ടെങ്കിൽ രണ്ടാമതും ലേലം ചെയ്യേണ്ടിവരും.

Mr. C. A. Kunjunni Raja *(Advocate-General):* Clause 28, sub-clause (2), states 'where a sale is set aside under sub-section (1), the decree-holder shall have a first charge on the property sold for the amount of the decree debt as scaled down under the provisions of this Act which shall be enforceable in execution proceedings.

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ബില്ലിൽനിന്നും സിലക്ട് കമ്മിറ്റി റിപ്പോർട്ടിൽ ഒരു സ്റ്റേറ ചെയ്ഞ് വരുത്തീട്ടുണ്ട്. അതു കാണ്ട് 1st chance കിട്ടുകയും ചെയ്യും.

Mr. K. Kochukunhan Kaimal *(Vadakkancheri):* It may be that the decree-holder is entitled to rateable distribution also.

Mr. C. A. Kunjunni Raja *(Advocate-General):* The sale will not be set aside generally if there is rateable distribution.

***Mr. A. L. Antony** *(Irinjalakkuda):* One thing more. The payment of the value of improvements is only the amount spent by the decree-holder. Any other payment which the decree-holder has made after taking possession of the property is not included. It is only an explanation. Sometimes a prior encumbrance might have been paid by the decree-holder in order to avoid a decree.

Mr. K. P. Kannan Nayar *(Secretary to Government):* That forms part of the principal money.

Mr. A. L. Antony *(Irinjalakkuda):* No.

Mr. K. P. Kannan Nayar *(Secretary to Government):* Certainly it forms part of the principal money.

Mr. A. L. Antony *(Irinjalakkuda):* Payments of value of improvements in the sense that it is money which was spent by the decree-holder is also intended by the Government and any other payment made by the decree-holder for the safety and protection and nothing more *i. e.*, michavaram, or tax or revenue tax. That may also be added along with the value of improvements. That is not included in the explanation for the value of improvements.

മിസ്റ്റർ സി. എ. കുഞ്ഞുണ്ണിരാജാ: അപ്പോൾ mesne profits ഒക്കെ അക്കൗണ്ട് ചെയ്യണ്ടേ?

Mr. A. L. Antony *(Irinjalakkuda):* What is the value of improvements made?

Mr. K. P. Kannan Nayar *(Secretary to Government):* When you want to claim revenue or michavaram which has been paid by the decree-holder, if he is to be re-imbursed, he has to account for something else. There is no provision here made for accounting as between the decree-holder and the judgment-debtor. There is no doubt some force in what the hon'ble member says. It will lead to this difficulty. Supposing some amount has been spent, if these amounts are to be paid back by the judgment-debtor the judgment-debtor may naturally claim an accounting of the profits taken by the decree-holder during that intervening period, because it is with reference to that property and to protect that property that those monies have been paid. He will have to account for the mesne profit also.

*Speech not corrected by the hon'ble member.

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No doubt there is some substance in the amendment, but it will make the whole provision complicated.

Naturally michavaram is paid from the income of the property. Michavaram is only of arrears and not for the current year. Does the hon'ble member mean that when the decree-holder is to be re-imbursed, so far as the expenses met by him are concerned, he should not be made accountable to the judgment-debtor for the mesne profits of that period.

Mr. A. L. Antony *(Irinjalakkuda):* That may be accounted, of course.

Mr. C. R. Iyyunni *(Trichur-South):* There appears to be some difficulty with regard to the payment of tax for a period prior to its coming into possession. With regard to that matter he should not be re-imbursed, and I can understand the payment of tax for the period he is in possession, but not for the period he was not in actual possession. All the same he has to pay the amount, *i. e.*, prior tax. So also prior encumbrances.

Mr. K. Achyuta Menon *(Diwan Peishkar):* Can you not add it to the sale amount?

Mr. A. L. Antony *(Irinjalakkuda):* Michavaram?

Mr. K. Achyuta Menon *(Diwan Peishkar):* Michavaram also.

Mr. A. L. Antony *(Irinjalakkuda):* Suppose he has prior encumbrances.

Mr. K. Achyuta Menon *(Diwan Peishkar):* Under the Civil Procedure Code he could sue for that also. Therefore he can sell subject to that.

(Amendment not pressed).

Clause 28 as amended put and carried.

Clause 29 put and carried.

Mr. K. P. Kannan Nayar *(Secretary to Government): Renumber clause 30 as 31 and insert the following as clause 30:*

"30. Any creditor may apply to the executive authority of a Municipality, for information as to whether his debtor was or is assessed to profession, property or house-tax and the executive authority shall thereupon grant to such creditor a certificate in the prescribed form as to whether the debtor named in the application has been assessed to profession, property or house-tax and the amount for which he is so assessed. Such certificate shall be received in every court as evidence of the fact stated therein."

This was in the original Bill itself, but because the profession tax and other sources of income were taken away by the Select Committee, this amendment has become necessary.

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Mr. President : So this is a consequential amendment.

Amendment put and carried.

Clauses 30 and 31 put and carried.

Clause 1 put and carried.

Title and preamble put and carried.

Mr. President : The Secretary to Government may move that the Bill be taken up and passed in the after-noon.

Mr. K. P. Kannan Nayar *(Secretary to Government):* Sir, I move that the Bill as amended by this Council be taken up and passed in the after-noon.

Mr. C. A. Kunjunni Raja *(Advocate-General):* Sir, I second it.

The motion was put and carried.

Mr. President : The House stands adjourned to half past three.

The House rose for lunch at 1—25 p.m. and re-assembled at 3—30 p.m. with the Hon'ble the President in the Chair.

Mr. K. P. Kannan Nayar *(Secretary to Government):* Sir, I move that the Cochin Agriculturists' Relief Bill be taken up and passed. In making this motion, I wish to propose certain amendments with reference to some of the clauses. These amendments are introduced as a result of the discussion that the House had with reference to the various provisions, while the Bill was passing through the second reading. I must confess that, so far as these amendments are concerned, myself and my friends, the Advocate General and the Diwan Peishkar, have tried in the best manner possible, within the short time at our disposal, to put the idea expressed by the House in a legal form. I must confess that they are not perfect. The House must realise that law drafting is a very difficult matter. It is an art or a science in itself and a draft once prepared, when you go through it again, you will find so many flaws and so many imperfections in it. Similarly with reference to these amendments also, I cannot say that they are perfect. We have tried to put the idea which the Council has expressed in appropriate language.

The first amendment that I propose to move is with regard to clause 3. "*Add as an explanation to sub-clause (v) of clause 3, the following.—*

"Explanation.—*A transaction, although called panayam in the document evidencing it, shall, if it is a renewal of an earlier transaction, be presumed, until the contrary is proved, to be a kanam for the purposes of this Act; and any amount paid as an initial lump*

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sum consideration or as further advance in respect of such a transaction shall be 'kanam amount' or 'puramkadam', as the case may be, within the meaning of this clause."

The whole difficulty that was pointed out here was that there are certain panayams which partake of the incidents of kanam, but which the tenants have found very difficult to prove in a court of law that they are kanam. The scope of this explanation is with reference to the scaling down of michavaram. In the case of panayams which really partake of the nature of a kanam, this relief may not be obtained, unless the definition of michavaram is made a little wider. With that object in view, we felt it necessary to put in an explanation of this kind. Now, there are four characteristics so far as kanam is concerned, which have to be satisfied before a panayam can be considered to be a kanam for the purposes of the Tenancy Act. One chief characteristic is renewal. If from the document itself it is seen that it is a renewal of a prior document, we say that there is a presumption—it may be rebuttable—that the panayam is a kanam. The burden of proof is thrown upon the jenmi. So if the document shows that it is a renewal, for purposes of scaling down, the interest on the panayam amount originally advanced as also on the further advances, *i. e.*, puramkadam also will be deducted in calculating the amount of michavaram. That object, I believe, will be served by this explanation.

Mr. V. J. Mathai *(Planters):* Sir, I feel that as far as possible the demand has been met. If I may do it, I second the amendment.

Mr. P. Govinda Menon *(Mulakunnathukavu):* Sir, the last word in the explanation may be changed to "*section*".

Mr. C. A. Kunjunni Raja *(Advocate-General):* Yes, it ought to be section.

Mr. K. P. Kannan Nayar *(Secretary to Government):* That is only a verbal alteration. I will make it.

Amendment put and carried.

Mr. K. P. Kannan Nayar *(Secretary to Government):* Sir, now for clause 10, I would suggest a new clause altogether. *"10. Arrears of interest which have been included as principal in the subsisting document for any period till 1st Chingam 1107 but not for any period subsequent to it shall be treated as principal for the purposes of sections 8 and 9."* This is something different from the clause that is now there. We have been trying to draft it in the best manner possible, and ultimately we have drafted the section like this. I shall again read the clause: "Arrears of interest which have been included as principal in the subsisting document for any period till 1st Chingam 1107 but not for any period subsequent to it shall be

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treated as principal for the purposes of sections 8 and 9." Now I hope the meaning of the section is beyond doubt.

Amendment put and carried.

Mr. K. P. Kannan Nayar *(Secretary to Government):* Sir, the other amendment that I wish to move is with regard to clause 16. I will read the amendment: *"Substitute the following for sub-clause (4) of clause 16;*

"(4) Notwithstanding anything contained in sub-section (1) if in any year during which an instalment is due under sub-section (3), the agriculturist makes default in the payment of the pattam other than puravaka dues payable for that year on the due date as provided in the contract of tenancy or where there is no such contract the dates specified in the Cochin Tenancy Act, XV of 1113, the landholder shall be entitled to recover from the agriculturist the entire arrears for the period after 1st Chingam 1107, till the date of the commencement of this Act together with six per cent per annum simple interest from the date of default after giving credit for the actual amount, if any, received by him for any instalment.

Explanation.—Payments, if any, made by the tenant on or before the date mentioned in this sub-section shall, where the amount paid does not fall short of the amount of the pattam exclusive of puravaka dues payable on that date, be first credited towards the pattam exclusive of puravaka dues due on that date for that year."

Sir, there were three matters on which amendments had to be tabled. The first was that the puravaka dues should be taken out of the pattam. The pattam as defined, some hon'ble members pointed out, is likely to take in puravaka dues also. Now that contingency, so far as this section is concerned, had to be taken out. Due provision has been made for it in the amendment now tabled before the House.

Then the second point is with regard to the penalty, if the tenant makes a default. That has also been duly provided for by this amendment.

Then the third point is, supposing, as it now stands, these instalments that have been scaled down have to be paid. According to the section, as it now stands, the instalment has to be paid only by the end of the year, that is,before the 31st or 32nd of Karkadagam, as the case may be. It may so happen that in some cases the tenant may pay a portion of the dues, say, in the month of Thulam or Vrischigam itself. If it so happens that in the contract of tenancy the pattam for the year is payable either in one instalment or two instalments, say, in Kanni and Makaram, and supposing an instalment is paid in the month of Kanni or prior to that, the landlord

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has got the right to credit that pattam not towards the arrears but towards the current pattam alone. That right is preserved for him, and it is with that object that this explanation is added. The pattam paid may not be for the whole year. A portion of the pattam alone may be payable in Kanni and the other portion in Makaram. If something is paid, and it is not less than what is actually payable for the first instalment, that is, for the Kanni instalment, then the landlord shall credit it towards the current year's pattam, and not towards the arrears.

Mr. T. K. Nayar *(Pazhayannur):* If the pattam paid exceeds the instalment dues on that date, what will be the position?

Mr. K. Achyuta Menon *(Diwan Peishkar):* It may go towards the future instalment.

Mr. President: That would be the intention of the tenants also.

മിസ്റ്റർ ടി. കെ. നായർ: ആ കാല്യത്തേയ്ക്കുള്ളതല്ലേ കൊടുക്കുകയുള്ളൂ?

മിസ്റ്റർ കെ. വി. കണ്ണൻനായർ: ആ കൊല്യത്തേക്കുള്ളതു മുഴുവൻ കൊടുത്താൽ ആ കൊല്യത്തേക്കുള്ളതായി വകവെയ്ക്കും.

Mr. C. R. Iyyunni *(Trichur-South):* Sir, I entertain some doubts regarding this. Here it is said "payments made by the tenant on or before the date mentioned." Suppose the payment is made after the date mentioned.

Mr. K. Achyuta Menon *(Diwan Peishkar):* If the payment is made after the date, he has already made a default.

Mr. T. P. Poulose *(Kanayannur):* This explanation applies to a case where the amount paid does not fall short of the amount of the pattam due on that date. Suppose it is less than the amount?

Mr. K. Achyuta Menon *(Diwan Peishkar):* Then there is no correct payment of pattam.

Mr. T. P. Poulose *(Kanayannur):* He might pay it in two instalments, one portion in Chingam and the balance before the 30th of Kanni.

Mr. K. Achyuta Menon *(Diwan Peishkar):* Then on the 30th of Kanni the landlord has to credit the whole thing towards the instalment due in Kanni.

Mr. T. P. Poulose *(Kanayannur):* This right is available only where the amount paid does not fall short of the amount of the pattam payable on that date. So any tenant who makes a payment short of the amount due for the current year, or for the instalment due, on the due date, will not be entitled to the benefit of this provision. Suppose on 30th of Kanni a portion of the pattam is due,

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and in Chingam he has already paid a portion of it. Then the jenmi will be entitled to credit that amount towards his past arrears instead of crediting it towards the current pattam.

Mr. President: Why can't you omit the portion "where the amount paid does not fall short of the amount of the pattam exclusive of puravaka dues payable on that date."

Mr. K. P. Kannan Nayar *(Secretary to Government):* Suppose in Kanni, he has to pay 100 paras of paddy, and suppose before that date, the whole quantity is not paid, but only a portion is paid. In such cases, he should be considered to have committed a default.

Mr. T. P. Poulose *(Kanayannur):* According to what is provided here, if a payment short of the instalment is made before the 30th of Kanni, that could be adjusted towards the arrears.

Mr. T. K. Nayar *(Pazhayannur):* But if any excess payment is made?

Mr. K. Achyuta Menon *(Diwan Peishkar):* The excess will not be credited towards the arrears.

Mr. President: The whole idea is this. Payments made by the tenants, whether they are more or less than the current pattam, shall first be credited towards the current pattam, and only the excess, if any, should be credited towards the arrears. The explanation suggested in the amendment, I think, makes the matter unnecessarily cumbersome. I think it would be enough for the purpose if we modify the explanation like this: "Payments, if any, made by the tenant on or before the date mentioned in this sub-section shall be first credited towards the pattam exclusive of puravaka dues on that date for that year."

Mr. T. P. Poulose *(Kanayannur):* I think it is necessary to change the word "date" between the words "before the" and "mentioned" into "dates" so as to make the meaning clear. It is also unnecessary to have that phrase "on that date" towards the end of the explanation.

Mr. President: That can be done.

Mr. K. P. Kannan Nayar *(Secretary to Government):* So the explanation to the sub-section will be modified thus: *"Payments, if any, made by the tenant on or before the dates mentioned in this sub-section shall be first credited towards the pattam exclusive of puravaka dues due for that year."*

Amendment put and carried.

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Mr. K. P. Kannan Nayar *(Secretary to Government):* Sir, there are two other amendments also which I want to move. One is to clause 17 which refers to the payment of michavaram, and is on a par with the previous amendment. This is the amendment:

"Substitute the following for sub-clause (4) of clause 17.—

"(4) Notwithstanding anything contained in sub-section (1), if, in any year during which an instalment is due under sub-section (3), the agriculturist makes default in the payment of the michavaram exclusive of puravaka dues payable for that year on the due date as provided in the contract of tenancy or where there is no such contract the date specified in the Cochin Tenancy Act, XV of 1113, the landholder or jenmi shall be entitled to recover from the agriculturist the entire arrears for the period after 1st Chingam 1107 up to the commencement of this Act together with six per cent per annum simple interest from the date of default, after giving credit for the actual amount, if any, received by him.

Explanation.—*Payments, if any, made by the tenant on or before the dates mentioned in this sub-section shall be first credited towards the michavaram exclusive of puravaka dues due for that year."*

The other amendment is with regard to clause 28. *"In sub-clause (1) of clause 28 substitute the word 'Thulam' for the word 'Vrischigam'."*

Amendments put and carried.

Mr. President: Now the question is that the Cochin Agriculturists' Relief Bill as finally amended be passed into law. *(Appendix I).*

മിസ്റ്റർ ടി. കെ. നായർ: സർ, ഈ കഷ്കാശ്വാസബില്ലിന്റെ മൂന്നാം വായനയായ ഇപ്പ അവസരത്തിൽ ഞങ്ങൾക്കു അവസാനമായി ഒന്നുകൂടി ഗവ മെണ്ടിനു നന്ദി പറയേണ്ട കടമയുണ്ട്". അനുദ്യോഗസ്ഥപക്ഷത്തു നിന്നു രണ്ടു ബില്ലുകൾ ഈ നിയമസഭയിൽ അവതരിപ്പിച്ചു" സെലക്ട് കമ്മറിയുടെ ആലോചനയിലിരിക്കുന്ന അവസരത്തിൽ, യഥാർത്ഥമായി കഷ്കർക്കു എന്തെങ്കിലും ഒരാശ്വാസം നല്കണമെന്നുള്ള സദുദ്ദേശത്തോടുകൂടി രണ്ടു ബില്ലുകൾ നിയമസഭയുടെ ആലോചനയിലിരുന്നിട്ടും കാലതാമസം കൂടാതെ കഴിപ്പാനായി ഗവമെണ്ടിൽ നിന്നുതന്നെ ഇങ്ങിനെ ഒരു ബിൽ ഈ നിയമസഭയിൽ അവതരിപ്പിച്ചു പാസ്സാക്കി ഉടൻ നടപ്പിൽ വരുത്തണമെന്നു തോന്നിയ ആ മനഃസ്ഥിതിക്കു ഞങ്ങൾ എത്രയും കടപ്പെട്ടവരാണ്". (ഹിയർ, ഹിയർ). ഇന്നിവിടെ അവതരിപ്പിച്ചു പാസ്സാക്കിയ ഈ ബിൽ ഞങ്ങളുടെ ദൃഷ്ടിയിൽ കർഷകർക്കു അവശ്യം ആവശ്യമായ ആശ്വാസങ്ങളധികമില്ലെന്നതന്നെ വിശ്വാസമുണ്ടെങ്കിലും, ഗവമെണ്ടിൽ നിന്നു സല്ലുമെങ്കിലും ആശ്വാസം നല്കാനായിട്ടുള്ള ഉദ്ദേശത്തോടുകൂടി പതിനഞ്ചു ദിവസം കൊണ്ടു ഈ

*Speech not corrected by the hon'ble member.

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ബിൽ പാസ്സാക്കി നിയമമാക്കാൻ ദയവുണ്ടായതിൽ ഗവമ്മെണ്ടിനെ എത്ര തന്നെ അഭിനന്ദിച്ചാലും മതിയാകുന്നതല്ല.

എന്റെ മാന്യ സ്നേഹിതൻ കുന്ദംകുളം മെമ്പറവർകൾ ഇന്ന കാലത്തു, കൊച്ചിയിലെ രണ്ടു രാഷ്ട്രീയ സംഘടനകളും ഒത്തൊരുമിച്ചു ഗവമ്മെണ്ടിനോട് സഹകരിച്ചു ഈ ബിൽ പാസ്സാക്കാൻ ശ്രമിച്ചതിൽ ഈ രണ്ടു രാഷ്ട്രീയ കക്ഷികൾക്കുമുള്ള പൌരബോധമില്ലായ്മയെ പറ്റി പറയുകയുണ്ടായി. അദ്ദേഹത്തിന്റെ ആ പ്രസ്താവനയെപറ്റി രണ്ടു വാക്കു പറയാതെ യതൊരു നിവൃത്തിയുമില്ല. ഈ രണ്ടു കക്ഷികളും യഥാർത്ഥ പൌരബോധംകൊണ്ടോ അല്ല, പൌരബോധമില്ലാത്തതുകൊണ്ടോ ഈ ബിൽ അനുകൂലിച്ചതെന്നു അദ്ദേഹം പറഞ്ഞതുപോലെതന്നെ കൊച്ചിയിലെ പൌരന്മാരും തീർച്ചയാക്കികൊള്ളട്ടെ. അവരുടെ തീരുമാനമേതോ അതു ഞങ്ങൾ അനുഭവിക്കാനും തയ്യാറാണു്. ഒന്നു മാത്രമെ എനിക്കു തുറന്നു പറയാനുള്ളൂ. ഏതെങ്കിലും വിധത്തിൽ സല്പുമെങ്കിലും ഒരാശ്വാസം തരാമെന്നു സഭയും സമ്മതിച്ചു ഒരു ബിൽ ഈ നിയമസഭയിൽ അവതരിപ്പിച്ച സമയം, അതിൽ എത്രതന്നെ ന്യൂനതയുണ്ടെങ്കിലും, ഇനിയും എത്രതന്നെ ആവശ്യങ്ങൾ വേണമെന്നു ഞങ്ങൾക്കു തോന്നിയിരുന്നാലും, ഗവമ്മെണ്ടു ദയവായി തരുന്നതിനെ സ്വീകരിച്ചു അടുത്ത അവസരത്തിൽ ഇനിയും ആവശ്യമുള്ളതു ഗവമ്മെണ്ടിനോട് ചോദിക്കാമെന്നുള്ള ഉദ്ദേശത്തോടുകൂടിയാണു ഞങ്ങൾ ഈ ബിൽ പിൻതാങ്ങിയതു്. ബഹുമാന്യപ്പെട്ട ദിവാൻജി അവർകൾ അനുദ്യോഗസ്ഥ സാമാജികന്മാരിൽ ചിലരെ രണ്ടു പ്രാവശ്യം അദ്ദേഹത്തിന്റെ മന്ദിരത്തിൽ ക്ഷണിച്ചുവരുത്തി കുന്ദംകുളം മെമ്പറൊഴിച്ചു ബാക്കിയുള്ളവരെ ഒക്കെ സ്വാധീനിച്ചുവെന്നു പറഞ്ഞു കേട്ടതിൽ ഞങ്ങൾക്കു പോരായ്മയില്ല. കാരണം, ഉദ്ദേശശുദ്ധിയെയാണു ബഹുമാനിക്കേണ്ടതു്. വാദത്തിനുവേണ്ടി മാത്രം വാദിക്കുന്ന ആളുകളല്ല ഞങ്ങൾ എന്നു അദ്ദേഹം ഇനിയും മനസ്സിലാക്കണം. നിയമസഭയിൽ ഗവമ്മെണ്ടിൽ നിന്നു എന്തു കൊണ്ടുവന്നാലും അതിനെ എതുക്കണമെന്നുള്ള മനഃസ്ഥിതി ഞങ്ങൾക്കില്ല; എന്നല്ല, ഞങ്ങൾക്കു ഒട്ടും തൃപ്തിയില്ലാത്ത കാര്യമാണെങ്കിൽ ഈ ദിവാൻജി പറഞ്ഞാൽ ഞങ്ങൾ അതു സ്വീകരിക്കയില്ലെന്നും ഈ നിയമസഭ വഴി തന്നെ അദ്ദേഹത്തിനറിയുകയും ചെയ്യാം. പൌരജനങ്ങൾക്കു അത്യാവശ്യമായ ഒരു ബിൽ ഗവമ്മെണ്ടുതന്നെ കൊണ്ടുവന്നിരിക്കുമ്പോൾ അതു സ്വീകരിക്കുകയാണു ബുദ്ധിയുള്ളവരുടെ കടമ. പൊതുജനങ്ങൾക്കു തൃപ്തിയില്ലാത്ത കാര്യങ്ങളുണ്ടെങ്കിൽ ഞങ്ങൾ സധൈര്യം അതിനെ എതുക്കുന്നതാണെന്നു് പ്രസ്സു് ലാ കൊണ്ടുവന്നപ്പോൾ ഈ നിയമസഭയിൽ നടന്നിട്ടുള്ള സംഭവം സാക്ഷ്യം വഹിക്കുന്നതാണു്. പിന്നെ, പൊതുജനങ്ങൾക്കു ഗുണമുള്ള കാര്യങ്ങളോടു യോജിക്കാനും, അതിനു വേണ്ടി ഗവമ്മെണ്ടിനോട് അപേക്ഷിക്കാനും ഞങ്ങൾ തയ്യാറാണെന്ന സംഗതിയും ബഹുമാന്യപ്പെട്ട കുന്ദംകുളം മെമ്പർ പൊതുജനങ്ങളെ ധരിപ്പിക്കാനും അപേക്ഷയുണ്ടു്. എന്തെന്നാൽ അദ്ദേഹം മാത്രമാണു പൊതുജനങ്ങളുടെ പ്രതിനിധി (ചിരി).

അവസാനമായി, ഈ ബില്ലിൽ അത്യാവശ്യമായ പല കാര്യങ്ങളേയും ഞങ്ങൾ ദിവാൻജി അവർകളെ ധരിപ്പിച്ചിട്ടുണ്ടു്. ഈ ബിൽ ചിങ്ങം ഫാംനു നടപ്പിൽ വരുന്നതോടുകൂടി ഈ ബില്ലിലുള്ള ന്യൂനതകളെ, ജനങ്ങൾക്കു ശരിയായ ഗുണം കിട്ടാത്തതായിട്ടുതെങ്കിലും ഭോഗങ്ങളുണ്ടെങ്കിൽ അവയെ ഗവമ്മെണ്ടു മനസ്സിലാക്കി ഭേദഗതികൾ വേണമെങ്കിൽ ഞങ്ങൾ കൊണ്ടുവരുന്നതിനുമുമ്പു ഗവമ്മെണ്ടിൽ നിന്നു തന്നെ ഈ നിയമസഭ വഴി കൊണ്ടുവന്നു വേണ്ടതു ചെയ്യുമെന്നു വിശ്വസിച്ചുകൊണ്ടും, സാധുജനങ്ങളുടെ മേൽ ഇങ്ങിനെ ഒരു ദയ കാണിച്ചതിനു ബഹുമാന്യപ്പെട്ട ദിവാൻജി അവർകളോടു

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പ്രത്യേകം നന്ദി പറഞ്ഞുകൊണ്ടും, ചീഫ് സെക്രട്ടറി അവർകൾ ഇവിടെ അവതരിപ്പിച്ച ഈ അഗ്രികൾച്ചറൽ റിലീഫ് ബില്ലിനെ ഞാൻ അനുകൂലിച്ചുകൊണ്ടും എന്റെ പ്രസംഗം അവസാനിപ്പിക്കുന്നു.

*Dr. A. R. Menon *(Minister for Rural Development)*: Mr. President, Sir, I wish to associate myself, in my capacity as a member of the Cochin Congress Party, with the sentiments so eloquently expressed by the Hon'ble Leader of the Opposition. Sir, it may be by an accident that I set an example that in the dyarchical system of Government, on an important issue, my disagreement with the Government was openly shown to the House by voting against the Government, so much so, it was considered to be the first time that such a thing has taken place; because I believed then, Sir, as I do believe now, that in this question of such a paramount importance to the whole State, I should in my own way identify myself with those who have espoused the cause of these tenants. Whatever may be my faults, at least there is one credit that I can claim in this House, *i. e.*, during the whole of my career as a member of this House, although I have not studied this question exhaustively, I have, under no circumstances and on no occasion, taken an attitude against the interest of the tenants. Invariably I have identified myself with those who represented the interests of the tenants. At the same time, considering the importance of this question, that the two Bills presented to this House were not acceptable to the Government for various reasons, simply on the ground that they were not acceptable, that they should be rejected and nothing should be done, is a proposition to which I could not subscribe myself. And I submitted that it would be the duty of the Government themselves to introduce a measure of relief with regard to the tenants. I am very happy to note, Sir, that that opinion shared by almost all of us had its effect upon the Government, and with an enthusiasm, with an energy and with a desire to do the right thing, Government did everything possible, and I believe it is within a record time that a measure bristling with such difficulties, involving so many obligations of a tenant towards his jenmi and affecting so many other interests—a Bill of this nature—has been put through this House within a limited time. It will be futile to think that any Government would have succeeded in doing such a thing, unless they were loyally supported by the opposition. As the Leader of the Opposition has correctly pointed out, I believe I represent a different school of thought with regard to this co-operation, from that which is expressed by my hon'ble friend for Kunnamkulam. I think, as I have been thinking, that the moment real responsibility is gradually placed upon the shoulders of the leaders of the people themselves, immediately there will be a change of attitude, a change of mentality, and that responsibility will restrain the exuberance of the members themselves.

*Speech not corrected by the hon'ble member.

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Throughout this discussion, even those of us who have been here most probably from the very beginning of their political career had the fore-thought to surrender all our individual opinion and to join together with other sections of the House, and somehow or other to hammer a Bill into shape, which in our opinion will do some good to our people. That is the significance that has to be drawn. Our talk and also our ideas undergo a change, because of responsibility. As has been explained vividly by the Head of the Administration the other day, responsibility of the Government does not consist in taking into consideration the interests of the tenants alone, but the interests of the various sections that constitute the nation whom the Government represents. It is exactly this feeling that has restrained many of us who would have liked to go farther than what the Bill has done. The Secretary who constitutes himself a representative of the tenant, had the decency to admit to us after our return from the Conference at the Diwan's House, as to how far the Government could go in this matter, and it was our duty to co-operate with the Government. So, further expansion that we would like to have could not be introduced in the measure introduced by Government. I think, Sir, this is a great testimonial that could be conferred upon the Government. I have no doubt that, in course of time and even immediately, the relief sought to be given by this Bill will be felt by our poor peasants.

I would bring one more point to the notice of this House before I resume my seat. Sir, it was vividly explained by the Leader of the Opposition—a proposition which was accepted by the Head of the Administration himself—that, if real relief is to be conferred upon the tenants, there must be some machinery by which ready cash would be forthcoming for immediate relief. Now, at the conference in the Diwan's House, this proposition was placed before us. I remember what he said then—that we as representatives of the people should take the responsibility of formulating a scheme, because the responsibility of the members of this Council is greater than that of the Head of the Administration. I perfectly agreed with that view, and I believe it would be a real improvement to this measure, if a small committee consisting of one or two non-officials with the Diwan Peishkar is constituted to go into this matter once again to see whether any relief could be given, although not to the whole population, but at least to a considerable proportion of them who want some modifications in the rules governing the Land Mortgage Bank. If we could do that, and if we could give relief at least to a substantial proportion of our agriculturists, it would be an improvement upon this measure, and we would have the satisfaction and happiness, at least, in having this law. With these few observations, I wish to support the third reading, and also wish to express, on behalf of myself,

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on behalf of our party, and on behalf of the people whom we represent, our appreciation to the Government for the generous measure of this magnitude, which they have introduced and passed within a limited time of two weeks.

*മിസ്റ്റർ കെ. എം. ഇബ്രാഹിം: സർ, കൊച്ചിയിലെ കർഷകസംരക്ഷണത്തെ സംബന്ധിച്ചേടത്തോളം ഏറ്റവും പ്രധാനമായ ഒരു നിയമനിർമ്മാണം ചെയ്തിരിക്കുന്ന നമ്മുടെ ഗവർമ്മെൻറിനെ അനുമോദിക്കുന്നതിന്നു് എനിക്കു് ഏറ്റവും സന്തോഷമുണ്ടു്. കൊച്ചി രാജ്യത്തിൽ ഉണ്ടായിട്ടുള്ള ചില പ്രധാന വിഷമസന്ധികളെ ജയിക്കുന്നതിന്നു് സർ ഷൺമുഖത്തിൻറെ വ്യക്തിമാഹാത്മ്യത്തിന്നു സാധിച്ചിട്ടുണ്ടെന്നു് എനിക്കു് ഉച്ചൈസ്തരം പറയുവാൻകഴിയും. ഇന്നു് നാടുവാണരുളുന്ന പൊന്നുതിരുമേനിയുടെ പുണ്യശ്ലോകതകൊണ്ടോ നാട്ടുകാരുടെ ഭാഗ്യാതിരേകംകൊണ്ടോ, അയൽരാജ്യങ്ങളുടെ പ്രതികൂലഅനുഭവങ്ങളും, ഇവിടത്തെ അനുഭവപൂർവ്വമുള്ള അനുഭവങ്ങളും കാണുമ്പോൾ, ഇവിടെ ഇപ്പോൾ ആരംഭിച്ചിരിക്കുന്ന ഭരണസമ്പ്രദായം ക്രമേണ വളർന്നു് ഒരു പരിപൂർണ്ണ പാർലിമെൻററി ഭരണമായി രൂപാന്തരപ്പെട്ടുമെന്നുള്ളതിനു സംശയമില്ല.

സർ, കുറ്റം പറയാൻ വിഷമമില്ല. പരിപൂർണ്ണനായ ദൈവത്തെപോലും കുറ്റംപറയുന്ന ഇക്കാലത്തു്, ഞാൻ അതിൻറെ ആസ്തിക്യത്തേയൊ നാസ്തിക്യത്തെയൊപറ്റിയൊന്നും പറയുന്നില്ല. സംഗതികളുടെ ഗുണദോഷങ്ങളെ വെച്ചുകൊണ്ടു് എപ്പോഴും കുറ്റംമാത്രം പറയുവാൻ ആർക്കും സാധിക്കും. അയൽരാജ്യങ്ങളിലെ പരിഷ്കാരവുമായി ഇതു് താരതമ്യം ചെയ്തിട്ടായിരിക്കണം ഇതിനെക്കുറിച്ചു് ചിലർ കുറ്റം പറയുന്നതു്. ഈ ഒരു പരിഷ്കാരംതന്നെ അന്വേഷിച്ചുകൊണ്ടിരിക്കുന്ന മറുനാട്ടരാജ്യങ്ങളിൽ എത്രത്തോളം അതു് നടപ്പിലായിട്ടുണ്ടെന്നാണു് ഞാൻ ചോദിക്കുന്നതു". ഇവിടെവന്ന ഭരണപരിഷ്കാരത്തെ ഇൻഡ്യ മുട്ടാകെ ഏകകണ്ഠമായ സ്തുതിപാഠകംചെയ്യുന്നതായി ഞങ്ങൾ കേട്ടിട്ടുണ്ടു്. ഇവിടെ ഈ പരിഷ്കാരം വന്നതിനുശേഷമല്ലാതെ മറെറാരു നാട്ടരാജ്യത്തിലും ഈ വിധത്തിലുള്ള പരിഷ്കാരം ഉണ്ടായിട്ടില്ല എന്നുള്ളതു് മറക്കരുതു". ഞാൻ പറയുന്നതു് നമ്മുടെ നാട്ടിലെ പൊതുജനാഭിപ്രായത്തിൻറെ ശക്തി അനുസരിച്ചു് പരിഷ്കാരങ്ങൾ ഇവിടെ വരുന്നു എന്നല്ലാതെ ആ പരിഷ്കാരങ്ങളെ വെറും കണ്ണടച്ചുകൊണ്ടു് ആക്ഷേപിക്കുന്നതിൽ യാതൊരർത്ഥവുമില്ലെന്നാണു്. ഞാൻ ഇതിനു ഒരു ഉദാഹരണം പറയാം. ഇവിടെ ഒരു ഡയാക്കി സിസ്റ്റംവന്നു. മദ്രാസിൽ ഡയാക്കി ഭരണംവന്നിട്ടു് എത്രകാലം കഴിഞ്ഞിട്ടാണു് ഈ നാട്ടിൽ വന്നിരിക്കുന്നതു്. അവിടെ ഈ മാതിരി ഒരു ബിൽ വന്നിട്ടു് കഷ്ടിച്ചൊല്ലമേ ആയിട്ടുള്ളൂ. അവിടെ വളരെ കാലങ്ങൾക്കുമുമ്പു് ഈ പരിഷ്കാരം വന്നിട്ടുള്ള സ്ഥിതിക്കു ഇതിലും വളരെകാലങ്ങൾമുമ്പെ ഈ ബിൽ അവിടെ വരേണ്ടതായിരുന്നു. കൊച്ചി ഭരണപരിഷ്കാരംവന്ന ഉടനെതന്നെ കർഷക സംരക്ഷണവും ഗവർമ്മെൻറു് ചെയ്തു എന്നാണു് ഞാൻ ഇതുകൊണ്ടു് സമർത്ഥിക്കുന്നതു്. പാർലിമെൻററി ഭരണസമ്പ്രദായം കൊച്ചിയിലെ പൊതുലക്ഷങ്ങൾ അനുഭവിക്കുന്നുണ്ടു്. പക്ഷെ പാർലിമെൻററി രൂപീകരണത്തിനുശേഷം വളരെ കുറഞ്ഞകാലംകൊണ്ടുതന്നെ പൊതുജനാഭിപ്രായത്തെ മാററിച്ചുകൊണ്ടു് കർഷകന്മാർക്കുവേണ്ട സഹായം ചെയ്യുവാനും ഗവർമ്മെൻറു് തീർച്ചയാക്കി. ഇന്നത്തെ ഭരണത്തെ പൊതുജനാഭിപ്രായം അനുസരിച്ചു് നടത്തണമെന്നും അതിൽ കൈകാര്യകർതൃത്വം ചെയ്യുന്ന സർ ഷൺമുഖം, പാർ

*Speech not corrected by the hon'ble member.

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ലിമെൻറിലേണത്തിൻെറ സന്താനമായ സർ ഷൺമുഖം ആശ്രഹിക്കുന്നതു കൊണ്ടാണ് ഇപ്പോഴ പരിഷ്കാരങ്ങൾ കഴിയുന്നതും വേഗം സാധിക്കുന്നതു്. ഇനിയും കർഷകരെ സംബന്ധിച്ചിടത്തോളം പല പരിതികളും നടപ്പിൽ വരുത്തേണ്ടകാര്യം ദിവൻെറിൻെറ ആലോചനയിൽ ഇരിക്കുന്നുണ്ടെന്നു ഞങ്ങൾ മനസ്സിലാക്കുന്നു. അതുകൊണ്ടു് കൊച്ചിയിലെ പൊതുജനാഭിപ്രായത്തെ ഇനിയും ദിവൻെറിൻ്റെ ഇഷ്ടപ്രതീക്ഷയോടുകൂടി വീക്ഷിക്കുണ്ടെന്നു് ഞാൻ ഒരിക്കൽകൂടി അപേക്ഷിച്ചുകൊണ്ടു് എൻെറ പ്രസംഗം അവസാനിപ്പിച്ചുകൊള്ളുന്നു.

Mr. V. J. Mathai *(Planters):* Mr. President, Sir, I consider it a pleasing privilege to associate myself with the sentiments so ably expressed before this House. In the first place, I must congratulate the House for having brought this Bill to a successful close. When we consider the warring interests involved, the varying classes affected and the various fundamental changes effected in the relations between landlord and tenant and creditor and debtor, we can say that this Bill is a land-mark in the History of Cochin. And I consider along with Mr. Ibrahim that this state of affairs have been due in no small measure to our Diwan. As a member of the deputation which waited upon the Diwan the other day to see whether some sort of relief could be afforded to the agriculturists, as a member of the two committees appointed by this Council to consider the two non-official Bills brought forward by Mr. Moothedan and Mr. Devassy and also as a member of the conference held at the Diwan's House of which so much had been said on the floor of this House, I was struck with the sincere desire evinced by the Diwan in the true interests of the agriculturists. The success of this Bill is due in no small measure to the tact, ability and understanding which he was able to bring to bear on the consideration of the various warring interests for achieving a successful agreement between them. I once again say that this state of affairs is in no small measure again due to the ability evinced by the Diwan. A further proof of this will be seen from the last amendment on panayams wherein he has postponed his decision till all the sides of the question was heard. This is a quality, Sir, which is rare in these days even in judges, if I may say so. We will be failing in our duty if we do not offer our thanks to the Hon'ble Secretary to Government for piloting this Bill successfully on the floor of this House. My thanks are also due to the Hon'ble Member for Revenue and to the Member for Law for the same able assistance they have rendered to the Hon'ble the Secretary. It should not be taken to mean Sir, that the agriculturists feel that all their demands have been met. Far from it. But the agriculturists of the Cochin State are far different from the agriculturists elsewhere. They have reached a state of civilization and a state of educational development from which they can view the view-points of others. They think they are Cochinites first and agriculturists second. They on their

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part have the safety and the progress of the State next to their heart.

As has been expressed by the Hon'ble Minister for Rural Development, there are things which have to be done in the interests of the agriculturists the most prominent of which is the giving of fixity of tenure to the agriculturists. This is the first thing to be carried out in order to implement the provisions of this Bill. A little thought bestowed upon the question will convince us that unless fixity of tenure is given, this Bill will not be of any help to verumpattamdars. Several of the provisions of the Bill would become useless, because the undue influence which the jenmies could bring to bear upon the tenants is so great that it will be impossible to prove as to when the pattam is paid and as to when the other payments were made. I do not mean that the other interests involved, *viz.*, the landlord and the creditor classes are fully satisfied with the results now achieved. But they will reconcile themselves with the present law, with the feeling that what they lose will be gained by their brothren, the poor agriculturists and such a combined harmonious feeling for the progress of the State will, I hope, usher in a new era in the development of Cochin when she will deserve to be called verily the "Queen of the Arabian Sea".

മിസ്റ്റർ സി. വി. ഇയ്യു : ഒരു ചരിത്രം നിമ്മിച്ചിട്ടുള്ള ഈ ദിവസം, കൊച്ചീ നിയമസഭയുടെ പരിപാവനമായ ഈ മന്ദിരത്തിൽനിന്നു് ലഘുവായ കാഷ്ടികാശ്വാസം മാത്രം നൽകത്തക്കവിധത്തിലുള്ള ഒരു മന്ദമാരുതൻ വീശുന്നതുകൊണ്ടു മാത്രം തൃപ്തിയടഞ്ഞുകൊൾവാൻ കഷ്കരെ ഉപദേശിപ്പാൻ ഞാൻ ഒരുക്കമില്ല. കൊച്ചിൻ സ്റ്റേറ കോൺഗ്രസ്സിനേറയും, കൊച്ചിൻ കോൺഗ്രസ്സിനേറയും ബഹുമാന്യനേതാക്കന്മാരും ബഹുമാനപ്പെട്ട കണയന്നൂർ ഈഴവമെമ്പറും പറഞ്ഞ അഭിപ്രായങ്ങളെക്കുറിച്ചു് ഈ അവസരത്തിൽ ഞാൻ യാതൊന്നും വിമർശിക്കുന്നില്ല. ഈ ബില്ലിനെ ഈ സഭയിൽക്കൂടി പ്രയാണം ചെയ്യിച്ച അവസരത്തിൽ ആ മഹാന്മാരുടെ നിലയും എന്റെ നിലയും കൊച്ചീരാജ്യത്തിലെ പത്രങ്ങൾ മുഖേന ഇന്നു അസ്മദനത്തിന്നു മുമ്പു പ്രചരിയ്ക്കാവുന്നതും ഏതാനും ഇന്നലെത്തന്നെ പ്രചരിച്ചുകഴിഞ്ഞിട്ടുള്ളതുമാകകൊണ്ടു അവയെല്ലാം കൊച്ചിയിലെ പന്ത്രണ്ടു ലക്ഷം ജനതയുടെ ന്യായപൂർവ്വമായ തീരുമാനത്തിനു വിടുന്നുവെന്നല്ലാതെ ഇപ്പോൾ ഞാൻ കൂടുതലായി യാതൊന്നും പറയുന്നില്ല. ഈ സഭയിലെ രണ്ടു കോൺഗ്രസ്സിനേറയും അഭിപ്രായങ്ങൾ എത്രതന്നെ ഉദ്ദേശത്തുല്യിയുള്ളതായാൽതന്നെ, ഈ നിയമസഭയിൽ ഈ ബിൽ വാദപ്രതിവാദത്തിനു വന്ന സമയത്തു് ഞാൻ പറഞ്ഞിരുന്ന അഭിപ്രായങ്ങളെ ആസ്പദമാക്കുന്നതിനു കാരണമായ തത്വങ്ങളെ ഇപ്പോഴും മാറ്റുന്നതിനു ഞാൻ വിചാരിച്ചിട്ടില്ല; മാറ്റുവാൻ സാധിയ്ക്കുന്നതുമല്ല. ഇതിനേക്കാൾ നല്ലതായ ഒരു കാഷ്ടികാശ്വാസബിൽ ഈ നിയമസഭാസമിതിയിൽനിന്നും പുറത്തു വരുമെന്നാണു് എനിക്കു വിചാരമുണ്ടായിരുന്നതു്. കൊച്ചിൻ കോൺഗ്രസ്സും സ്റ്റേറ കോൺഗ്രസ്സും കൂടെക്കൂടി ധൈര്യം അവലംബിക്കേണ്ടിയിരുന്നു. ഈ നിയമസഭയിലെ ബഹുഭൂരിപക്ഷം അംഗങ്ങളും ഗവൺമെണ്ടിന്റെ മുമ്പിൽ താണുവീണു ആശ്രയിച്ചുനിന്നിട്ടും ഇപ്പോൾ പാസ്സായതിനേക്കാൾ കഷ്കർക്കു് ഗുണം കുറഞ്ഞ ഒരു നിയമം പാസ്സാക്കിയില്ലല്ലോ എന്ന സംഗതിയിലാണു്

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ബഹുമാനപ്പെട്ട ശവമ്മേണ്ടിനോടു് എനിക്കു് കൃതജ്ഞത പ്രദർശിപ്പിക്കുവാനുള്ളതു് (ചിരി). ഇക്കാര്യത്തിൽ ശവമ്മേണ്ടിനെ നയിച്ചുകൊണ്ടുപോകുന്ന ഭരണാധികാരികളുടെ മഹാമനസ്കതയെ എത്രതന്നെ അഭിനന്ദിച്ചാലും മതിയാകയില്ല. പ്രത്യേകിച്ചും കാണംപോലെയുള്ള പണയത്തെ സംബന്ധിച്ചും ജന്മികൾക്കു് കുടിയാന്മാർ കൊടുത്തുതീർക്കേണ്ട സംഖ്യയെ സംബന്ധിച്ചും ഉള്ള കാര്യങ്ങളിൽ കഴിയുന്നിടത്തോളം കുടിയാന്മാർക്കു് ഗുണം ചെയ്യണമെന്നുള്ള മനസ്ഥിതി ഭരണാധികാരികൾക്കുണ്ടെന്നുള്ളതു് വെളിവായിട്ടുണ്ടു്. എന്തു കഠിനവ്യവസ്ഥകൾ ഉണ്ടായിരുന്നാലും ഈ സഭ ബിൽ പാസ്സാക്കുമായിരിയ്ക്കും. എങ്കിലും എന്റെ സഹപ്രവർത്തകന്മാരുടെ ബലഹീനത കണ്ടു് എളുപ്പം എടുക്കാതെ എത്രയും മഹാമനസ്കതയോടുകൂടി ദിവാൻ പ്രസിഡണ്ടു് അവർകൾ പ്രവൃത്തിച്ചിട്ടുണ്ടു് എന്നതു സ്മരണീയമാണു്. ഞാൻ ആദ്യം പറഞ്ഞിട്ടുള്ളതുപോലെതന്നെ ശവമ്മേണ്ടിന്റെ കാലിൽ പിടിച്ചുവരെ പിടിച്ചു തള്ളി കാലു പിടിച്ചു നിലത്തടിച്ചു തല പൊട്ടിക്കുന്ന മാതിരിയുള്ള ഹീനമനസ്ഥിതി നമ്മുടെ ശവമ്മേണ്ടിനുണ്ടായിട്ടില്ല. അതിനാൽ നാം നമ്മെത്തന്നെയും നമ്മുടെ ശവമ്മേണ്ടിനേയും അനുമോദിയ്ക്കുകയാണു വേണ്ടതു്. ഈ അവസരത്തിൽ ഞാൻ ഇന്നു കാലത്തെ മാതിരിയുള്ള ഒരു പ്രസംഗം ചെയ്യുവാൻ തയ്യാറില്ല. ഇപ്പോൾ രണ്ടു കക്ഷികളും ശവമ്മേണ്ടിന്റെ കയ്യിൽ കിടന്നു് ശവമ്മേണ്ടിനാൽ കളിപ്പിക്കപ്പെടുകയാണു ചെയ്തിട്ടുള്ളതു് എന്നുള്ള വാസ്തവത്തെ മറച്ചുവെപ്പാനും തയ്യാറില്ല. കൊച്ചിൻ കോൺഗ്രസ്സിന്റേയും കൊച്ചിൻ സ്റ്റേറ്റ കോൺഗ്രസ്സിന്റേയും വിളറിയ മുഖഭാവം കാണുമ്പോൾ അവരിരുകക്ഷികളും കൂടി കൊച്ചിയിലെ മൃതമായ പ്രപുരബോധത്തിന്റെ നിർജ്ജീവശരീരം കൊണ്ടുപോയി ചിതയിൽ വെച്ചു ദഹിപ്പിച്ചു് ആ സ്ഥലത്തുള്ള ചാമ്പലിൽ കുഴിച്ചിട്ടതായ വാഴ കുലച്ചു് അതിന്റെ ഫലം ലഭ്യമാകുന്ന രീതിയിൽ ഈ രണ്ടു കോൺഗ്രസ്സിലേയും പുരോഗമനകക്ഷിയും കൂടി യോജിച്ചു ഒരു പുതിയ കക്ഷിയുണ്ടായി കൊച്ചിയിലെ ദാവിതലമുറകൾക്കു് നവചൈതന്യം കൊടുക്കാനിട വരുന്നതു കണ്ടു കൊച്ചിയിലെ കർഷകലോകം സന്തോഷിയ്ക്കുമാറാകട്ടെ എന്നു മാത്രമേ എനിക്കു് ആശംസിക്കുവാനുള്ളൂ.

ഈ ബിൽ പുറത്തു വന്നുകഴിഞ്ഞാൽ ആറു മാസത്തിനുള്ളിൽ നമ്മുടെ നാട്ടിലുള്ള കർഷകന്മാരും കോടതിയും വക്കീലന്മാരും കുടിയാനവന്മാരും ജന്മികളും തമ്മിൽ, ഒരുമാതിരി നാടോടിഭാഷയിൽ പറയുകയാണെങ്കിൽ എന്തെല്ലാം കൊത്തിപ്പിരിക്കലുകൾ ഉണ്ടാകുമെന്നു നിശ്ചയമില്ല. അതുകൊണ്ടു് ബഹുമാനപ്പെട്ട മന്ത്രി പറഞ്ഞതുപോലെ കർഷകന്മാരുടെ ജീവരക്ഷയ്ക്കു് ആവശ്യമായുള്ള കാര്യങ്ങൾ ദിവാൻ പ്രസിഡണ്ടവർകളും മറ്റുദ്യോഗസ്ഥന്മാരും കൂടി അപ്പോഴപ്പോൾ ആലോചിച്ചു നിശ്ചയിക്കുന്നതിനു് ഒരു കമ്മിറ്റി നിശ്ചയിച്ചു് അതുകൊണ്ടു കൂടുതൽ കൂടുതൽ രക്ഷ ചെയ്തുകൊടുക്കാതിരുന്നാൽ ഈ ബില്ലിന്റെ ശുപാർശണത്തിൽ എത്രത്തോളം സദുദ്ദേശം ശവമ്മേണ്ടിനെ പ്രേരിപ്പിച്ചിട്ടുണ്ടോ ആ സദുദ്ദേശം ശരിയായി ഫലപ്പെടുത്തുവാൻ കഴിയുകയില്ല.

ഈ ബിൽ ഇത്രയും വേഗത്തിൽ നിയമമാക്കി പരിണമിപ്പിക്കുന്നതിനുണ്ടായിരുന്ന കാര്യക്ഷമതയോടുകൂടിയ പ്രവൃത്തനത്തിനു ഞാൻ ബഹുമാനപ്പെട്ട ദിവാൻ പ്രസിഡണ്ടവർകളേയും, സിക്രട്ടറി അവർകളേയും, ലാമെമ്പർ അവർകളേയും, റവന്യൂ മെമ്പറവർകളേയും അനുമോദിയ്ക്കുകയും, വെമ്പാട്ടുകാർക്കു് സ്ഥിരാവകാശം കൊടുക്കേണ്ട സംഗതിയിൽ തോട്ടക്കാരുടെ പ്രതിനിധിയുടെ അഭിപ്രായങ്ങളോടു യോജിക്കുകയും ചെയ്യുന്നു. ഈ കൊച്ചിരാജ്യത്തെ പൊതുവായുള്ള ശ്രേയസ്സായിട്ടു വെച്ചുനിരിയ്ക്കുന്ന ബില്ലിനെ സംബന്ധി

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ച്ചിടത്തോളം ഈ സഭ മുഴുവൻ അടിമപ്പെട്ടുകഴിഞ്ഞിരിക്കുന്ന സ്ഥിതിയ്ക്ക് ഈ ബില്ല് കൂടുതൽ കാര്യക്ഷമതയോടു പ്രവൃത്തിച്ചു സഫലമാക്കുവാൻ ഞാൻ ഗവൺമെണ്ടു സിക്രട്ടറിയവർകളോടു പ്രത്യേകം അപേക്ഷിക്കയും, ലഘുവെങ്കിലും, ഈ ബില്ലു മൂലം കൊച്ചിയിലെ കർഷകർക്ക് നൽകപ്പെട്ട കർഷകരക്ഷക്ക് ഞാൻ ഗവൺമെണ്ടിനോടു ഒന്നുകൂടി നന്ദി പറകയും, credit bond ഏർപ്പെടുത്തുക മുതലായ ഗവൺമെണ്ടിന്റെ ഭാവിപരിപാടിയെ സ്വാഗതം ചെയ്തും എന്റെ കൃതജ്ഞതാപ്രകാശനത്തെ ഉപസംഹരിക്കുന്നു.

Mr. M. K. Devassy *(Adur):* Sir, I rise not to deliver a funeral oration as my Hon'ble friend, Mr. Iyyu but to sing the "Gloria in Exelcis Deo" for, to me it appears that this is not an occasion when anybody has died but somebody is born *(hear, hear)*. Within my short experience as a member of this Council I had occasion to note that there is a section of the public who identify popular politics with an outright condemnation either of the Government or the Head of the Administration, both in and out of place. They think that such a condemnation is the high water-mark of radical politics. But, Sir, I do not for a moment fear, whatever be the consequences, to express my opinion that honest public criticism demands that you should be in a position to praise where praise is due and condemn where condemnation is due without fear or favour. As the mover of one of the two bills, I take this opportunity to say that I was one of those who have condemned the treasury bench in strongest terms. But as one who participated in the deliberations of this Bill I take it again my pride to praise the honest anxiety that has been evinced in the passage of this Bill so far as the Government is concerned. As I had occasion to remark when this Bill was introduced, I take the introduction of this Bill to be a momentous land-mark in the history of this Council in that it has proved a readiness on the part of the Government to revise their views when they were convinced that they were in the wrong and the realisation that the time has come when opposition for the sake of opposition has to be stopped for, nothing can come out of a discussion where one party lacks in responsiveness and the other in responsibility. It is this spirit, that should be welcomed by the State as a signal of something better to come in future. Sir, as has been rightly remarked by our Leader, the Hon'ble Minister for Rural Development, I was one of those who was ready to fight for the cause of the tenants and the debtors although I am neither of them. In that fight when my Bill as well as the Bill of my Hon'ble friend, Mr. Mcothedan, appeared before this House and when the same were referred to the Select Committee it occurred to my mind that the introduction of a Bill by the Government as a result of a conference in which the mover of one of the bills had not the occasion of participating to be a painful affair. But, I thought that it should be the public view that guide

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us whatever be our individual feelings. This was one of the reasons, as I submitted yesterday, that prompted me to place before the public meetings, which I had occasion to address, this problem in all extenso and I am only echoing the sentiments of the public when I say that they look to this measure which has been introduced by the Government with a sense of gratitude. If, therefore, we praise the Government and the Diwan for what has been done, let those who hold different views understand that in the words Beacon "praise is always the reflection of virtue" and that we do so in the public interest. I am not prepared to question the motive of my friend Mr. Iyyu in holding a different view. I believe that toleration of views, is one of the essential creeds of politics. When we are crediting him with that view, I hope that we also have a justification for holding our views and expect the same spirit of charity from him to appreciate the stand which we have taken this time. Being one of the members who attended on deputation before the Diwan, to be frank, I must admit that I was surprised at the readiness which he expressed to strike at the very root of the problem of indebtedness. Whatever be the nature of the legislations that are introduced in any country with regard to this matter any legislation by way of scaling down of debts can only go half way. As a matter of fact when I was drafting the Bill to be introduced in this Council one of the serious shortcomings in the Madras Legislation came to my mind, namely that it has not enabled the debtors to clear off the debts. But with my suspicions and doubts regarding the attitude that may possibly be taken by the Government if I were to implement that idea in my Bill I had to reserve it out of fear that our Bill may not come into law. It was a pleasant surprise to hear, when we waited on deputation, the Diwan expressing his readiness to strike at the root of the problem by making the necessary provisions for the issue of credit bonds. Sir, I am not afraid of anybody in saying that what is required of a good and benevolent administrator of a State is open-mindedness. In spite of the Government Bill that has been drafted here and in spite of the view that was expressed by the Diwan on several aspects of the Bill subsequently, I was highly gratified to note today that on hearing the unanimous voice of this Council, he was prepared to accept some of the amendments that were not contemplated when the Bill was placed before this House. I take it that that one instance where the voice of the majority of this House with regard to the payment of current year's pattam was at once given effect to on the floor of the House ought to be taken as a terrible defeat to the view that has been held by my Hon'ble friend, Mr. Iyyu. For, whatever be the glowing results of a fight, I even now believe that co-operation can do more good than being at a distance and fighting with each other without understanding each other. When we co-operated

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with the Government and the Government had co-operated with us to appreciate our view points, I believe that it is one of the symbols before the public to show that we have not played ourselves into the hands of anybody blindly except consciously into the hands of those in whom we had trust and faith. I do not wish to indulge any more, Sir, in a longer speech. I only want once again to echo the sentiments expressed by the Hon'ble Minister that the Government will do well to implement the idea of enabling the debtors to pay off their debts and to take whatever practical steps in that direction. With these few words, I support the motion before the House.

മിസ്റ്റർ കെ. അയ്യപ്പൻ: സർ, ഈ നിയമം പാസായതിൽ ശവമ്മെണ്ടിനേയും, ദിവാൻജിയവർകളേയും, ഈ നിയമസഭയേയും ഇതിനു മുമ്പു് അഭിനന്ദിച്ച മെമ്പർമാരോടു ഞാനും പൂർണ്ണമായി യോജിക്കുന്നു. ഒരു സംഗതി മാത്രമേ എനിയ്ക്കിവിടെ പറയുവാനുള്ളൂ.

ഈ കൊച്ചി നിയമസഭയുടെ ചരിത്രം മുഴുവൻ എനിക്കറിയാം. കൊച്ചി നിയമസഭയിലെ "സെഡിഷൻ" മുഴുവൻ അറിയാതെയാണു് ഒരു മെമ്പറിൽ നിന്നു് കൊച്ചിയിലെ പൊതുബോധത്തെപ്പറ്റി ഒരു അധിക്ഷേപ പ്രകടനം ഉണ്ടായതെന്നു എനിയ്ക്കു തോന്നുന്നു. കൊച്ചി നിയമസഭ ആരുടേയും മുഖം നോക്കാതെ ധൈര്യമായി സമരം ചെയ്യുവാൻ തയ്യാറുള്ള ഒരു സഭയാണു്. അതുപോലെ തന്നെ സഹകരണം കാണിക്കേണ്ട അവസരങ്ങളിൽ സഹകരണം കാണിയ്ക്കുവാൻ വേണ്ടത്ര വിവേകമുള്ള ഒരു സഭയാണിതെന്നും കൊച്ചി നിയമസഭ പല അവസരങ്ങളിലും തെളിയിച്ചിട്ടുണ്ടു്. ഇവിടത്തെ ശവമ്മെണ്ടിനെ എതിർത്തു പേരെടുക്കണമെന്നുള്ള ഒരു ഉദ്ദേശം ഈ കൊച്ചിനിയമസഭയുടേയും ഇവിടത്തെ പൊതുബോധത്തിന്റേയും നമ്മുടേയും ഭാഗ്യം കൊണ്ടു് ഇതുവരെ ഉണ്ടായിട്ടില്ല. ഈ നിയമസഭയുടെ സഹകരണത്തേയും പ്രവർത്തനത്തേയും സംബന്ധിച്ചിടത്തോളമുള്ള സംഗതിയിൽ ഈ ബില്ലിന്റെ കാര്യം മാത്രം ഓർത്താൽ മതി. കൊച്ചിയിലെ കർഷകന്മാർക്കു വേണ്ടി ത്യാഗങ്ങൾ സഹിച്ചു് ജയിൽവാസം കൂടി അനുഭവിയ്ക്കുവാൻ തയ്യാറായ മിസ്റ്റർ ഇബ്രാഹിം ഇവിടെ പറഞ്ഞ അഭിപ്രായത്തിനു ശേഷം പിന്നെയും ഇതുപോലെയുള്ള ഒരു അഭിപ്രായം, ഇവിടത്തെ പൊതുജീവിതം ഈ ബിൽ പാസാക്കിയതോടു കൂടി അവസാനിച്ചുവെന്നു പറയുന്ന മാതിരിയുള്ള ഒരു സെൻറിമെൻറു് ഇവിടെ കേൾക്കുവാനിടയായതിൽ എനിയ്ക്കു വലിയ സങ്കടമുണ്ടു്.

ഈ സംഗതിയിൽ ഞാൻ ദിവാൻജിയവർകളെ അഭിനന്ദിയ്ക്കുന്നു, കാരണം; കൊച്ചിയിലെ വിവേകമുള്ള പൊതുജനാഭിപ്രായത്തിന്റെ ശക്തി ബുദ്ധിമാനായ അദ്ദേഹം നല്ലപോലെ മനസ്സിലാക്കിയിരിയ്ക്കുന്നുവെന്നാണു" എനിയ്ക്കു തോന്നുന്നതു". കുന്നംകുളം മെമ്പറുടെ ഇന്നത്തെ ഒരു ദൃഷ്ടാന്തം കൊണ്ടു തന്നെ അതെനിയ്ക്കു മനസ്സിലാക്കുവാൻ കഴിഞ്ഞിട്ടുണ്ടു്. പിടിയ്ക്കാവുന്ന സ്ഥലത്തു്, പിടിച്ചാൽ കിട്ടുമെന്നു ബോദ്ധ്യമുള്ള സ്ഥലത്തു പിടിച്ചുനോക്കിയ പല അനുഭവങ്ങളും ഈ നിയമസഭയിൽ കണ്ടിട്ടുണ്ടു്. പക്ഷെ ബഹുമാനപ്പെട്ട കുന്നംകുളം മെമ്പർ ഒരു കാര്യം ഓർക്കണം. പൊതുജനങ്ങൾക്കു് എന്തെങ്കിലും ശക്തിയായ സമരം കൊണ്ടുപോകാവുന്നതു പോലെ തന്നെ ഒരു "ഓട്ടോഗ്രാഫിക്കു"

* Speech not corrected by the hon'ble member.

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ഗവമ്മെണ്ടിനോടും എതിർത്തു നില്ക്കാൻ സാധിയ്ക്കുകയില്ലെന്നുള്ള രാജ്യതന്ത്ര സംഗതി ഇനിയെങ്കിലും ഒന്നു് ആ ബഹുമാനപ്പെട്ട മെമ്പർ ഓർത്താൽ കൊള്ളാം. ഇപ്പോൾ കൊച്ചിയിൽ ഒരു "ഓട്ടോക്രാട്ടിക്കു്" ഗവമ്മെണ്ടാണുള്ളതു്.

Mr. C. V. Iyyu *(Kunnamkulam)*: Is it not so?

മിസ്റ്റർ കെ. അയ്യപ്പൻ: അതെ. ഇതു ചീത്ത ഗവമ്മെണ്ടാണെന്നോ, റസ്പോൺസിബിൾ അല്ലാത്ത ഗവമ്മെണ്ടാണെന്നോ ഉള്ള അർത്ഥത്തിലല്ല ഞാൻ പറയുന്നതു്. ഗവമ്മെണ്ടിനെ എപ്പോൾ എതിർക്കണം; എപ്പോൾ ഗവമ്മെണ്ടിനോടു സഹകരിക്കണമെന്നുള്ള ലോഹ്യനയം രാഷ്ട്രീയ തന്ത്രത്തിലെ ഗംഭീരമായ തത്വമാണെന്നുള്ളതു് അറിയാതെ ഇടംപ്രഥമമായി പോളിട്ടിക്സിൽ പ്രവേശിച്ച കുന്നംകുളം മെമ്പർ ചില സ്ഥലങ്ങളിൽ എതിരു കാണിക്കുകയും, ആ എതിരിന്റെ ഗുണങ്ങളും നിങ്ങളും കാണുകയും ചെയ്തിട്ടുണ്ടു്. അതുമാത്രം മനസ്സിലാക്കിക്കൊണ്ടു് അദ്ദേഹം ആദ്യം ഇങ്ങിനെ പറഞ്ഞുപോയതിൽ ഞങ്ങൾക്കാക്ഷേപമായതൊരു പരിവേവുമില്ല. കൊച്ചിയിലെ പൌരജീവിതത്തിന്റെ പല ഭാഗങ്ങളും അഞ്ചും പത്തും കൊല്ലങ്ങളായി കാണുവാനിടയായിട്ടുള്ള ഞങ്ങൾക്കു ഇപ്പോഴത്തെ ഗവമ്മെണ്ടിന്റെ വിവേകപൂർവ്വമായ സഹകരണം കൊണ്ടും, ന്യായമായ എതിരു കൊണ്ടും, ന്യായമായ നിരൂപണങ്ങൾ കൊണ്ടും ജനങ്ങൾക്കു കാര്യമായ പലതും സാധിക്കുവാൻ കഴിയുമെന്നു ബോദ്ധ്യപ്പെട്ടിരിയ്ക്കുന്നതുകൊണ്ടു് രണ്ടു കക്ഷികളും ഗവമ്മെണ്ടിനോടു സഹകരിച്ചു ഇങ്ങിനെ ഒരു നിയമം പാസാക്കി. അതുകൊണ്ടു് ഒരു കക്ഷിക്കു മാത്രമെങ്കിലും തെറ്റിപ്പോയി എന്നു പറയുവാൻ ഇടവന്നിരുന്നുവെങ്കിൽ ബഹുമാനപ്പെട്ട കുന്നംകുളം മെമ്പക്കു വല്ലതും ഒരു നില്ക്കള്ളി കിട്ടുമായിരുന്നു. രണ്ടു കക്ഷികളും ഗവമ്മെണ്ടിനാൽ കളിപ്പിയ്ക്കപ്പെട്ടുവെന്നു പറഞ്ഞതനുസരിച്ചു് പൊതുജനാഭിപ്രായം രണ്ടു കക്ഷികൾക്കും എതിരായിട്ടു വരുമെന്നുണ്ടെങ്കിൽ വന്നുകൊള്ളട്ടെ. ഞങ്ങളുടെ ബഹുമാനപ്പെട്ട ലീഡർ പറഞ്ഞതുപോലെ ഞങ്ങൾ ഇതു പൊതുജനങ്ങളുടെ വിധിയ്ക്കായി വിടുന്നു. പൊതുജനങ്ങൾ ഞങ്ങളെ അധികാരം ഏല്പിച്ചതനുസരിച്ചു ഞങ്ങളിവിടെ വന്നു; പൊതുജനങ്ങൾക്കു് ഗുണകരമായ നിലയിൽ പ്രവൃത്തിച്ചു; അതു തെറ്റിപ്പോയിട്ടുണ്ടെങ്കിൽ അവർ വിധിക്കട്ടെ. മേലാൽ വോട്ടു് കിട്ടണമെന്നോ, മേലാൽ മെമ്പർസ്ഥാനത്തു വരണമെന്നോ മറ്റൊരു ഉദ്ദേശം വെച്ചുകൊണ്ടൊന്നും ഞങ്ങൾ പ്രവൃത്തിച്ചിട്ടില്ല. പൊതുജനങ്ങൾ ഞങ്ങളെ ഏല്പിച്ച കാര്യം അവരവരുടെ ശക്തിക്കനുസരിച്ചു്, അവരവരുടെ ഉത്തമവിശ്വാസത്തിനനുസരിച്ചു് പ്രവൃത്തിക്കയല്ലാതെ ഇപ്പോൾ ഈ നിയമസഭയിൽ ഇരിക്കുന്ന മെമ്പർമാർക്കു് വേറെ ഭാവിയെക്കുറിച്ചൊന്നും ആലോചിക്കേണ്ടതില്ല.

ബഹുമാനപ്പെട്ട പ്രൊഗ്രസ്സീവു് മെമ്പർ പറഞ്ഞതുപോലെയുള്ള ഒരു സംഗതി എനിയ്ക്കു ഗവമ്മെണ്ടിന്റെ ദൃഷ്ടിയിൽ കൊണ്ടുവരുവാനുണ്ടു്. വെറുമ്പാട്ട കുടിയാന്മാർക്കു് എക്സംപ്ഷൻ കൊടുക്കുന്ന കാര്യമാണതു്. ബഹുമാനപ്പെട്ട ലീഡർ പറഞ്ഞതുപോലെ ദിവാൻജിയവർകളും പറഞ്ഞതായ കാര്യവും ഞാൻ ഗവമ്മെണ്ടിന്റെ ദൃഷ്ടിയിൽ കൊണ്ടുവന്നുകൊള്ളുന്നു. അതെല്ലാം സാധിച്ചു കഴിഞ്ഞാൽ ബഹുമാനപ്പെട്ട കുന്നംകുളം മെമ്പർ പറഞ്ഞതുപോലെ ഇതൊരു നിസ്സാരമായ ആശ്വാസമാകയില്ലെന്നാണു് എന്റെ വിശ്വാസം. വളരെ കാര്യമായ ആശ്വാസം തന്നെ ഇപ്പോൾ പാസാക്കിയിരിക്കുന്ന ബില്ലു കൊണ്ടു് ഫലക്കും ഉണ്ടാകുമെന്നു വിശ്വസിക്കുന്ന ഒരുത്തനാണു ഞാൻ. ഇത്രയും പറഞ്ഞുകൊണ്ടു് ഞാൻ എന്റെ പ്രസംഗം അവസാനിപ്പിച്ചുകൊള്ളുന്നു.

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Mr. T. P. Poulose *(Kanayannur):* Sir, I associate myself with the sentiments of appreciation and gratitude expressed by the various Hon'ble Members of this House. I congratulate the Secretary to Government and the various other members of the Government who have taken part in drafting this Bill and helped the Secretary in piloting this Bill successfully through this House. Throughout the discussion the Government have shown an attitude of willingness to be converted by reasonable arguments; and on account of that sympathetic attitude shown by the Government several suggestions made by the non-official members of this House at the 2nd reading were moved in the form of amendments by the Government even at the third reading. I may also express our gratitude to the Diwan for the sympathy he has shown and the open mind with which he has received the suggestions from this side of the House in certain very important matters, one such being the question regarding the amendment of the definition of Kanam amount in the Bill in order to make it applicable to panayam tenants also. It was really an important question concerning a large class of tenants who, if that amendment was not directed to be introduced by the Government at the third reading of the Bill, would have been deprived of the benefits of the provisions of this Bill. His willingness to be open to conviction and to be converted by discussions has really done great help for solving the various questions that arose in the course of the debate. Of course, there is a feeling amongst many that the Bill has not gone to the extent to which it should go and it is only an exaggerated expression of that feeling that the Hon'ble Member for Kunnamkulam has given expression to. In Bills of this type which interfere with vested rights and contractual relations we have to bear in mind that the interests of various classes of people have to be taken into account. If we go only by the voice of the majority, without taking into account the interest that would suffer on account of such legislation, the majority will be really guilty of an act of tyranny. The Hon'ble Member for Kunnamkulam has stated that those of us who met the Diwan and discussed this matter unofficially in his house so as to come to a sort of agreement have played into the hands of the Government. That is a most uncharitable view especially with reference to such members of this House who have for the past so many years made several sacrifices for the sake of the agricultural population of the State. This claim I am making not with reference to myself, but with reference to the various members of this House who for the last several years had been fighting for this cause and who have now, when something really became possible to be done, shown an inclination to come to reasonable compromises after taking into account the various interests that will be affected by a legislation like this. In this measure we have followed the principle that the greatest common measure of agreement amongst various

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classes and interests should be the guiding principle, and in so doing, if the views of the non-official members of this House underwent changes by a discussion with the Diwan, I may also state that several changes in the views of the Government have also been made possible by this discussion. It is neither the Government playing into the hands of the non-official members nor the non-official members playing into the hands of the Government; but it was an open and frank discussion between the non-officials and the Diwan, the view points of both being discussed and a common ground being found out. I do not wish to say anything more on this point. With reference to one suggestion made by the Hon'ble Minister, I may also state that the question of rural indebtedness, though to a great extent solved by this measure, will still continue until we find out some solution whereby the scaled down debts can be paid off. To those who are able to pay off their debts in instalments, some such method, as suggested by the Diwan President will be useful. In the case of others who, even if some instalment system is allowed to them, are so immersed in debts as to be unable to reap the benefits of this instalment system, I believe, if we make honest efforts, we will be able to devise some solution whereby their property can be distributed amongst creditors. There are very serious practical difficulties as were disclosed in the discussion in the Diwan's House. Still, I fully believe that, if an honest effort is made both by the non-official members as well as by the Government to find out a solution whereby we can introduce some such system without hardship to the creditor or to the debtor, that will be a very useful course. I do not wish to add anything more except congratulating the Government on the able way in which the Bill has been piloted through this House.

Mr. N. Govinda Pai *(Nominated)*: Sir, I feel it my duty to express my gratitude on behalf of the commercial class of the State to the Government, to this House, and especially to the Diwan President for the kind consideration that has been shown to that class in this Bill. Even when the party to which the representative of the commercial class belonged did not think that it was in any way important to include that member in that Select Committee, I appreciate the attitude taken by the Government in putting in a member who was equally interested in commerce in it. Ever since I have been a member of this House—and that is for a short period—I have been feeling that the members of this House are very slow in understanding the various complications and implications of the problems that face the commercial community. I do not blame them for it. It may be that they are not themselves conversant with those problems or more so because the representatives of the commercial class who are very few and far between have not been

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able to express themselves with adequate force and make their difficulties understood by this House. Anyhow it was a great joy to me that in the second conference in the Diwan's House, the Diwan himself a great businessman, understood our difficulties and consented to exclude the commercial debts from the purview of the Bill, and for that I express my special gratitude to him. My gratitude is also due to the House who has co-operated in incorporating that clause safely in the Bill. Now I have only to add that the commercial classes are not in any way against passing such Bills which go to the economic regeneration of the country *(Hear, hear)*. We feel equally well with the other classes that it is only the economic regeneration of the country that will create alround prosperity and go to give affluence to trade also. The only thing is, the intention is carried only half way. The disease of the body has been cured to some extent, but if enough nutrition does not come forth it will languish away and it will be very difficult to attain the end in view. So I only pray to this House and the Government that some means would be found to supplement the credit of the agriculturist and accelerate the free movement of money, which only will lead to the development that is sought by all. With these few words, I support the motion before the Council.

Mr. President: I would like to say that I share whole-heartedly the feeling of gratification given expression to by all sections of this House on the passage of such a momentous piece of legislation. I share with all hon'ble members the hope that in some measure, at any rate, the Bill that we have passed today will ameliorate the hard conditions of the agriculturists of this State. In the course of the various discussions that we had on this Bill, both inside this House and outside, all of us really felt the magnitude of the problem, and to my mind the study of this problem enabled us to realise that it is only when you dive deep into the problems of human misery that you fully appreciate the limited power of individuals or Governments, to devise the most radical remedy for those miseries.

I am free to confess that the measure that we have enacted will not bring cent per cent relief to the suffering agriculturist at all. But to my mind the significance of this measure lies not so much in its ameliorative character, but in the manner in which this Bill has been placed in the Statute book. I think it is one of the finest examples of whole-hearted co-operation amongst all sections of the community including the Government in passing a measure which is intended for the benefit of the greatest number of citizens of the State. I think it will be no exaggeration to say that if any one studies the various stages through which this Bill went, and if he studies the further discussions in this House, he will realise that this Bill really embodies a triumph of democracy in Cochin State. *(Hear,*

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hear). When you come to think of it, the ultimate concept of democracy lies not in so much that it ensures a majority rule, but that it furnishes opportunities of reconciling irreconcilable elements and ultimately evolving out of a conflict a happy compromise. Democracy, therefore, if it is to be successful, has to show the spirit of compromise. There are those who think that democracy as an art of Government is only the autocracy of the majority. I am not one of those who share that view. There are those who go still further and say that democracy is the autocracy of a few individuals of the majority, and I am sure no member of the Cochin Legislative Council will subscribe to such a view. In fact, when you study the workings of democracies in other countries, you find that it is only in those places where this spirit of compromise and give and take has not been evinced that democracy has failed. I certainly feel that the Government and non-officials and everyone concerned can congratulate themselves that this Bill gave an opportunity for the representatives of the people in the State not merely to show their sense of responsibility but to show that they are prepared to show a sense of compromise also. I fully appreciate, for instance, the support given to this measure by the Hon'ble Member Mr. Ibrahim, whose views on Economics are well known to us. I think it is an evidence of a very happy state of affairs that exists among the responsible men in the State. I have not the slightest doubt that if we bring, to the study of the various problems with which this State is confronted, that spirit of understanding and compromise, we will evolve various schemes which will ultimately bring about amelioration of the condition of the poor people.

Hon'ble members have referred again to the need for revising some machinery to supplement the intentions of the Government and this Legislature in passing a Bill of this kind. I shall be very glad to act on the suggestions of the Hon'ble Minister to forthwith appoint a committee to study the question whether it will be possible to have some scheme of creating credit bonds and thereby enable these agricultural debtors who will get the relief under this Bill to pay off their debts. I have no doubt that when the problem is actually studied, the representatives of the people in this House will fully realise that it is as much their responsibility as Government's to provide adequate safeguards, so far as the public finances are concerned.

Other members have also referred to the need for giving some sort of permanent occupancy right to the verumpattam tenants, and one member pointed out that the full benefit of a measure of this kind cannot be derived by verumpattam tenants, unless they have got some security in their tenure.

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In the various measures to which I have been a party during the last 4½ years I have given ample evidence of my desire to do everything that is reasonably possible on the part of the Government to better the condition of the agriculturists in this State. The Temporary Moratorium that we declared, the starting of the Land Mortgage Bank, the setting up of the machinery of Debt Conciliation and now the enactment of this measure are sufficient proofs of the interest of Government to do all that lies in their power to better the condition of the agriculturists. And I might say that it is our intention to introduce, if possible, in the Vrischigam Session a measure for giving permanency of occupancy for verumpattam tenants. *(Hear, hear).* In fact three months ago Government set up a departmental committee for studying the question, and that committee have already submitted to me a draft Bill for this purpose, and I am hoping that it will be possible for Government to introduce such a measure in the Vrischigam Session.

Talking about a measure of that kind, I have heard apprehensions expressed in certain quarters that in anticipation of such a measure some landlords are already trying to evict verumpattam tenants without proper cause, and some are trying to change the character of the tenancy by some means or other.

Well, I might assure the public through this House that when a Government wants to enact a measure of that kind, they would not allow loopholes of this kind to be availed of *(Hear, hear).* Because, in fact, there would necessarily be a provision in such a measure that verumpattam tenancy which could be proved during the last one or two years will be considered a verumpattam tenancy notwithstanding anything that might have happened during the interim period. So the tenants need not be apprehensive about that nor the landlords be jubilant that they got breathing space to get rid of these verumpattam tenants.

I once more express the hope that the measure that we have enacted today will give in some way proper relief to the agriculturist class of this State.

(The motion that the Cochin Agriculturists' Relief Bill be passed into law was put and carried).

Mr. President : The House now stands adjourned *sine die.*

The House adjourned sine die at 5 p.m.

C. J. MATHEW
Secretary to the Council

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Appendix I

THE COCHIN AGRICULTURISTS' RELIEF BILL

Whereas it is expedient to provide for the relief of indebted agriculturists in Cochin State; It is hereby enacted as follows:

Preamble.

CHAPTER I

Preliminary

1. This Act may be called the Cochin Agriculturists' Relief Act, XVIII of 1114.

Short title.

2. It extends to the whole of Cochin State and shall come into force on the first day of Chingam 1115.

Extent and commencement.

3. In this Act, unless there is anything repugnant in the subject or context—

Definition.

(*i*) "person" means an individual, his heirs of legal representatives and includes an undivided Hindu family, a marumakkathayam tarawad or tavazhi, but does not include a body corporate, a charitable or religious institution or an unincorporated company or association;

(*ii*) "agriculturist" means a person who has a saleable interest in any agricultural or horticultural land in Cochin State other than a simple mortgagee of such land and includes landlord as well as tenant as defined in the Cochin Tenancy Act, XV of 1113:

Provided that a person shall not be deemed to be an 'agriculturist' if he—

(*a*) has in either of the two financial years ending on the last day of Karkadagam 1114, been assessed to income-tax under the Cochin Income-tax Act VIII of 1108, or under the income-tax laws of any Indian State or British India, or any foreign Government; or

(*b*) has within the two years immediately preceding 1st Chingam 1115, been in receipt of an annual income of Rs. 900 or more derived from a profession other than agriculture; or

(*c*) has within the two years immediately preceding 1st Chingam 1115, been assessed to property or house-tax in respect of buildings or lands, other than agricultural lands, under the Cochin Municipal Act or any law governing local or municipal bodies in any Province in British India, any Indian State or any foreign State in India, provided that the aggregate annual rental value of such buildings and lands exclusive of the house in which such person permanently resides is not less than Rs. 400; or

(*d*) pays any sum exceeding Rs. 1,000 as land revenue to the Cochin or any other Government or any two or more Governments together.

Explanation.—The annual rental value of any building or land for the purpose of proviso (*c*) shall—

(1) where the assessment is based on the annual rental value, be deemed to be such value;

(2) where the assessment is based on the capital value be deemed to be five per cent of the capital value; and

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(3) in any other case, be deemed to be the value ascertained in the prescribed manner.

(*iii*) "debt" means any liability in cash or kind, whether secured or unsecured, due from an agriculturist, whether payable under a decree or order of a civil or revenue court or otherwise, but does not include rent as defined in clause (*vi*), or "kanam amount" as defined in clause (*e*), of section 2 of the Cochin Tenancy Act, XV of 1113;

(*iv*) "pattam" means the dues payable to the landlord as fixed by the contract of tenancy whether in money or in kind or both, but does not include renewal fee;

(*v*) "michavaram" means the balance of money or produce or both accruing due periodically to the landlord after deducting from the pattam, the interest due on the kanam amount and puramkadam, if any, and includes puravaka dues.

Explanation.—A transaction, although called panayam in the document evidencing it, shall, if it is a renewal of an earlier transaction, be presumed, until the contrary is proved, to be a kanam for the purposes of this Act; and any amount paid as an initial lump sum consideration or as further advance in respect of such a transaction shall be "kanam amount" or "puramkadam", as the case may be, within the meaning of this clause;

(*vi*) "rent" means "pattam" or "michavaram" as defined in clauses (*iv*) and (*v*), whether a decree or order of a civil or revenue court has been obtained therefor or not, and includes interest payable thereon but does not include costs incurred in respect of the recovery thereof through a civil or revenue court;

(*vii*) "creditor" includes his heirs, legal representatives and assigns;

(*viii*) "public company" means any public company as defined in the Indian Companies Act, VII of 1913 or the same as made applicable to Cochin State, or in the Companies Act of any Indian State or foreign Government; and

(*ix*) "municipality" includes a minor municipality.

Certain debts and liabilities not to be affected.

4. (1) Nothing in this Act shall affect debts and liabilities of an agriculturist falling under the following heads.—

(*a*) any revenue, tax or cess payable to Government or any other sum due to them by way of loan or otherwise;

(*b*) any tax or cess payable to any municipality or any other sum due to them by way of loan or otherwise;

(*c*) any debt contracted on the security of house property alone in a municipality;

(*d*) any liability in respect of any sum due to any Co-operative Society including a land mortgage bank, registered or deemed to be registered under the Cochin Co-operative Societies Act, XXVI of 1113;

(*e*) any liability arising out of a breach of trust;

(*f*) any liability in respect of maintenance whether under decree of court or otherwise;

(*g*) any wages due to an agricultural or other rural labourer;

(*h*) any debt which represents the price of goods purchased for purposes of trade;

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(*i*) any liability arising out of a sale of immovable property in respect of the balance of purchase money for which the vendor has a lien on the property sold:

Provided that where the liabilities mentioned in clause (*d*) arise by reason of an assignment to the Co-operative Society, such assignment has taken place before the commencement of this Act or is an assignment to such society of a loan granted by a Co-operative Society.

Power of Government to exempt institutions or estates under their management.

(2) Government may, by notification in the Cochin Government Gazette, exempt from the operation of this Act any institution or estate which is under the direct control and management of Government.

Special provision for undivided Hindu families, etc.

5. Where an undivided Hindu family is assessed to the taxes specified in provisos (*a*), (*b*) and (*c*) to section 3 (*ii*), or falls within the category of persons specified in proviso (*d*) to the same section, no person who was a member of the family at the commencement of this Act shall be deemed to be an agriculturist for the purposes of this Act except section 14.

Explanation.—For the purposes of sections 5, 6 and 15 an undivided Hindu family will not include any Hindu family whose members have no saleable rights in the family property until a separation in status is effected.

Sons and descendants of non-agriculturist members of Hindu families to be non-agriculturists.

6. Where in an undivided Hindu family which is an "agriculturist" within the meaning of section 3 (*ii*), any member of the family is not an agriculturist, then, notwithstanding anything contained in section 3 (*ii*), none of his sons and descendants in the male line shall be deemed to be an agriculturist for the purposes of sections 7 to 13 and 24 to 30.

CHAPTER II

Scaling down of debts and future rate of interest

Debts payable by agriculturists to be scaled down.

7. (1) Notwithstanding any law, custom, contract or decree of court to the contrary, all debts payable by an agriculturist at the commencement of this Act, shall be scaled down in accordance with the provisions of this Chapter.

(2) No sum in excess of the amount so scaled down shall be recoverable from him or from any land or interest in land belonging to him nor shall his property be liable to be attached and sold or proceeded against in any manner in the execution of any decree against him in so far as such decree is for an amount in excess of the sum as scaled down under this Chapter.

(3) The debt so scaled down shall be payable in two equal instalments falling on the last day of Makaram and Karkadagam 1115:

Provided that if default is made in any instalment the whole or the balance, as the case may be, of the debt as scaled down with interest as specified in section 13 from the date of default shall become immediately payable.

Provision for debts subsisting on 1st Chingam 1107.

8. Debts due by an agriculturist and subsisting at the commencement of this Act shall be scaled down in the manner mentioned hereunder, namely.—

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(1) All interest outstanding on the 1st Chingam 1107, whether the same be payable under law, custom or contract or under a decree of court and whether the debt or other obligation has ripened into a decree or not, shall be deemed to be discharged, and only the principal outstanding shall be deemed to be the amount repayable by the agriculturist on that date.

(2) Notwithstanding anything contained in the preceding clause, any payment on or after 1st Chingam 1107 towards interest and appropriated by the creditor towards interest accrued for a period prior to 1st Chigam 1107 shall not be re-opened.

Provision for interest from 1st Chingam 1107 to the commencement of the Act.

9. (1) Interest from 1st Chingam 1107 up to the commencement of this Act on all debts including those scaled down under the provisions of the last preceding section shall be calculated as follows.—

(*a*) where the creditor is a public company, at the rate applicable to the debt under law, custom, contract or decree of court under which it arises or at nine per cent per annum simple interest, whichever is less;

(*b*) where the creditor is not a public company, at the rate applicable to the debt under law, custom, contract or decree under which it arises or at six per cent per annum simple interest, whichever is less.

Credit shall be given for all sums paid towards interest, and only such amount as is found outstanding, if any, for interest calculated as above shall be deemed payable together with the principal amount as is due.

(2) Notwithstanding anything contained in sub-section (1), no creditor shall be required to refund any sum paid to him which is in excess of the amount calculated as due under sub-section (1) nor shall such excess amount be liable to be adjusted towards any future interest or the principal amount of the debt.

Explanation.—Interest in sections 8 and 9 includes pattam payable by the mortgager to the mortgagee on a lease back of the mortgaged properties.

Principal for purposes of sections 8 and 9.

10. Arrears of interest which have been included as principal in the subsisting document shall be treated as principal for the purposes of sections 8 and 9 if they relate to any period till 1st Chingam 1107 but not otherwise.

Exception.

11. The provisions of sections 8 and 9 shall not apply to any person, who though an agriculturist as defined in section 3 (*ii*), did not on the 1st Chingam 1114, hold an interest in any land as specified in that section.

Provision as to costs, etc., in certain cases.

12. Where a debt payable by an agriculturist includes any sum decreed as costs by any Court, or sums lawfully expended by a mortgagee or other person in order to preserve the property mortgaged, such sum or sums shall be recoverable in addition to the sum recoverable under the provisions of sections 8 and 9.

Rate of future interest on debts scaled down.

13. All debts which have been scaled down under the provisions of this Act shall carry from the date of the commencement of this Act, interest on the principal amount due on that date at the rate previously applicable under law, custom, contract or otherwise:

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Provided that it shall not exceed nine per cent per annum simple interest where the creditor is a public company and six per cent per annum in the case of other creditors.

Rate of interest payable by agriculturists on new loans.

14. In any proceeding for recovery of a debt, the court shall scale down all interest due on any debt incurred by an agriculturist after the commencement of this Act, so as not to exceed a sum calculated at 9 per cent per annum simple interest, where the creditor is a public company and at six per cent per annum simple interest in the case of other creditors:

Provided that Government may, by notification in the Cochin Government Gazette, alter and fix any other rate of interest, from time to time.

Explanation.—For the purposes of this section, the definition of "agriculturist" in section 3 (*ii*) shall be read as if

(*i*) in proviso (*a*) to that section, for the expression "the two financial years ending on the last day of Karkadagam 1114", the expression "the two financial years ending on the last day of Karkadagam immediately preceding the date on which the debt is incurred" where substituted; and

(*ii*) in provisos (*b*) and (*c*) to that section for the expression "the two years immediately preceding the 1st Chingam 1115" the expression "the two years immediately preceding the date on which, the debt is incurred" were substituted.

Separation of share of debt in particular cases.

15. Notwithstanding anything contained in section 3 (*ii*) and subject to the provisions of sections 5 and 6, where in a Hindu family, whether divided or undivided, some of the members liable in respect of a family debt are not agriculturists while others are agriculturists, the creditor shall, notwithstanding any law to the contrary, be entitled to proceed—

(*a*) against the non-agriculturist member or members and his or their share of the family property, to the extent only of his or their proportionate share of the debt; and

(*b*) against the agriculturist member or members and his or their share of the family property, to the extent only of his or their proportionate share of the debt which shall be scaled down in accordance with the provisions of this Act.

CHAPTER III

Arrears of Pattam and Michavaram

Conditional discharge of arrears of pattam due to landholders, etc.

16. (1) Subject to the provisions of sub-section (4) the arrears of pattam and interest thereon payable by an agriculturist to a land-holder, jenmi, or intermediary at the commencement of this Act, whether the same be due as such or whether a decree has been obtained therefor, shall be scaled down in the manner specified in sub-section (2).

(2) All arrears of interest outstanding at the commencement of this Act and the entire pattam in arrears for the period prior to the first day of Chingam 1107 and fifty per cent of the pattam in arrears for the period subsequent thereto up to the date of the commencement of this Act shall be deemed to be discharged and only the balance shall

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be deemed to be the arrears due from the agriculturist at the commencement of this Act.

(3) The arrears as scaled down under sub-section (2) shall be payable in annual instalments, the amount for the first instalment being payable on or before the last day of Karkadagam 1115 and the amount for each subsequent instalment being payable on or before the last day of Karkadagam of each succeeding year:

Provided that—

(1) the amount of each instalment is equal in value to one year's pattam and in the case of the last instalment whatever remains due;

(2) the amount payable as scaled down shall in no case be less than one year's pattam;

(3) if the agriculturist makes default in payment of two consecutive instalments the landlord may claim in one lump the whole or balance amount, as the case may be, of the arrears as scaled down under sub-section (2) with six per cent interest from the date of default;

(4) Notwithstanding anything contained in sub-section (1), if in any year during which an instalment is due under sub-section (3), the agriculturist makes default in the payment of the pattam other than puravaka dues payable for that year on the due date as provided in the contract of tenancy or where there is no such contract the dates specified in the Cochin Tenancy Act, XV of 1113, the landlord shall be entitled to recover from the agriculturist the entire arrears for the period after 1st Chingam 1107 till the date of the commencement of this Act together with six per cent per annum simple interest from the date of default after giving credit for the actual amount, if any, received by him for any instalment.

Explanation.—Payments, if any, made by the tenant on or before the dates mentioned in the sub-section shall be first credited towards the pattam, exclusive of puravaka dues, due for that year.

(5) The right of the landholder, jenmi or intermediary in a suit for eviction to set off the arrears of pattam against the value of improvements due to the tenant shall, so far as the arrears up to the commencement of this Act are concerned, be restricted to the arrears realisable under sub-section (3) or (4), as the case may be, with six per cent per annum simple interest from the date on which the default mentioned in these sub-sections is committed.

Explanation.—Pattam in this section does not include the pattam payable by the mortgager to the mortgagee on a lease back of the mortgaged properties.

Conditional discharge of arrears of michavaram due to landholders, etc.

17. (1) Subject to the provisions of sub-section (4) the arrears of michavaram and interest thereon payable by an agriculturist to a landholder or jenmi at the commencement of this Act, whether the same be due as such or whether a decree has been obtained therefor, shall be scaled down in the manner specified in sub-section (2).

(2) All arrears of interest outstanding at the commencement of this Act and the entire michavaram in arrears for the period prior to the first day of Chingam 1107 and one-third of the michavaram in arrears for the period subsequent thereto up to the commencement of this

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Act shall be deemd to be discharged and only the balance shall be deemed to be the arrears due from the agriculturist at the commencement of this Act.

(3) The arrears as scaled down under sub-section (2) shall be payable in three equal annual instalments, the amount for the first instalment being payable on or before the last day of Karkadagam 1115 and the amount for each subsequent instalment being payable on or before the last day of Karkadagam of each succeeding year:

Provided that if the agriculturist makes default in the payment of any instalment the landlord may claim in one lump the entire or balance amount, as the case may be, of the arrears of michavaram as scaled down under sub-section (2) with six per cent interest from the date of default.

(4) Notwithstanding anything contained in sub-section (1), if in any year during which an instalment is due under sub-section (3), the agriculturist makes default in the payment of the michavaram exclusive of puravaka dues payable for that year on the due date as provided in the contract of tenancy or where there is no such contract the date specified in the Cochin Tenancy Act, XV of 1113, the landholder or jenmi shall be entitled to recover from the agriculturist the entire arrears for the period after 1st Chingam 1107 up to the commencement of this Act together with six per cent per annum simple interest from the date of default after giving credit for the actual amount, if any, received by him.

Explanation.—Payments, if any, made by the tenant on or before the dates mentioned in this sub-section shall be first credited towards the michavaram, exclusive of puravaka dues, due for that year.

Landlord's right to set off arrears against value of improvements.

18. Nothing contained in section 17 shall affect the right of the landlord, in a suit for eviction instituted against the tenant, to set off the entire arrears of michavaram, with six per cent per annum simple interest towards any value of improvements due to the tenant.

Payments how to be made.

19. Payments to be made under sections 16 and 17 shall be made in any one of the following ways.—

(*i*) by payment in kind of rent or money value thereof direct to the jenmi, landholder or intermediary to whom it is due;

(*ii*) by payment of the money value of the rent into the Court of the District Munsiff within whose jurisdiction the whole or any portion of the property comprised in the holding is situate;

(*iii*) by remitting the money value of the rent by money order.

Such money value shall be computed with reference to the rates published in the Cochin Government Gazette for the date on which the value is remitted or if no such rate is published for that date, at the rate for the next previous date for which a rate is so published.

Rate of future interest on pattam and michavaram.

20. In any proceeding for the recovery of pattam or michavaram, the Court shall scale down all interest due on such pattam or michavaram due from an agriculturist so as not to exceed a sum calculated at six per cent per annum simple interest.

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Landholder to be entitled to recover land revenue and costs.

21. Notwithstanding anything contained in this chapter, a landholder, jenmi or intermediary shall be entitled to recover, in addition to any sum recoverable by him under sections 16 and 17.—

(*a*) the land revenue, if any, paid by him to Government in respect of the holding for the years for which he has not received any pattam or michavaram and where he has received only a portion of the pattam or michavaram for any year, the difference, if any, between the amount of land revenue paid and the value of the pattam or michavaram received by him for that year;

(*b*) the costs awarded to him in any decree for rent obtained by him.

Extension of limitation for suits, etc., for rent in certain cases.

22. Notwithstanding anything contained in any law of limitation or procedure in force for the time being, no suit or execution proceedings in respect of arrears of rent accrued for a period prior to the last day of Karkadagam 1114, which under the existing law would become barred between the commencement of this Act and the last day on which the last instalment falls due under sections 16 and 17, shall be so barred and the landholder, jenmi, or intermediary, as the case may be, shall be entitled to have the said period excluded in computing the period of limitation prescribed for such suit or application.

CHAPTER IV

Procedure and Miscellaneous

Provision as to costs in certain cases.

23. (1) Where a decree is passed against an agriculturist in a suit filed on or after the 17th Meenam 1114, the Court shall allow only such costs as would have been allowable if the suit had been filed for the amount of the debt as scaled down in accordance with the provisions of this Act, and where in any such case a decree has been passed before the commencement of this Act, the Court shall, on application by the agriculturist, amend the decree accordingly.

(2) Nothing in sub-section (1) shall apply to any suit instituted on or after the 17th Meenam 1114 and before the commencement of this Act in respect of a claim which would be barred by limitation before the commencement of this Act.

Amendment of certain decrees.

24. Where before the commencement of this Act, a Court has passed a decree for the repayment of a debt, it shall, on the application of any judgment-debtor who is an agriculturist or in respect of a Hindu joint family debt, on the application of any member of the family, whether or not he is the judgment-debtor, or on the application of the decree-holder, such application being made within 90 days of the commencement of this Act, apply the provisions of this Act to such decree and shall, notwithstanding anything contained in the Cochin Code of Civil Procedure, XXIX of 1111, amend the decree accordingly or enter satisfaction, as the case may be:

Provided that all payments made or amounts recovered, whether before or after the commencement of this Act, in respect of any such decree shall first be applied in payment of all costs decreed to the creditor.

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Stay of execution proceedings.

25. Every court executing a decree passed against a person entitled to the benefits of this Act shall on application, stay the proceedings until the court which passed the decree has passed orders on an application made or to be made under section 24:

Provided that where within 60 days after the application for stay has been granted, the judgment-debtor does not apply to the court which passed the decree for relief under section 24 or where an application has been so made and is rejected, the decree shall be executed as it stands, notwithstanding anything contained in this Act to the contrary.

Explanation.—The expression "the court which passed the decree" shall have the same meaning as in the Cochin Code of Civil Procedure, XXIX of 1111.

Adjudications in insolvency.

26. Nothing contained in this Act shall apply to the debts payable by any person who has been adjudicated an insolvent, if, prior to the coming into force of this Act, a dividend has been declared out of his assets. If a dividend has not been so declared, this Act shall apply to the debts payable by such person if he would have been an agriculturist within the meaning of this Act but for his adjudication in insolvency.

Special provision in the case of certain sales of movable property.

27. Where, in execution of any decree, any movable property of an agriculturist has been sold on or after the 1st of Vrischigam 1114, any judgment-debtor may apply to the court for an order that the provisions of sections 8 or 9, as the case may be, and of sections 12 and 13 be applied to the decree, and the court shall, if satisfied that the applicant is an agriculturist entitled to the benefits of those sections, apply the same and order the decree-holder to refund any sum received by him on or after the 1st Vrischigam 1114 in excess of the amount to which he would have been entitled if the property had not been sold:

Provided that no such order shall be made without notice to the decree-holder and without affording him an opportunity to be heard in the matter.

Sales of immovable property to be set aside in certain cases.

28. (1) Where in execution of any decree, any immovable property in which an agriculturist had an interest has on or after 1st Thulam 1114 been foreclosed, or sold and the proceeds of such sale has not been rateably distributed, then, notwithstanding anything contained in the Cochin Limitation Act, XII of 1112, or in the Cochin Code of Civil Procedure, XXIX of 1111, and notwithstanding that the sale has been confirmed, any judgment-debtor, claiming to be an agriculturist entitled to the benefits of this Act, may apply to the court within 90 days of the commencement of this Act for the appropriate relief specified below.—

(1) to set aside the foreclosure;

(2) to set aside the sale when the property has been purchased by the decree-holder;

(3) for refund by the decree-holder of any amount drawn by him out of the sale proceeds in excess of the debt as scaled down when the property sold has been purchased by a person other than the decree-holder;

The court shall, if satisfied that the applicant is an agriculturist entitled to the benefits of this Act, order the foreclosure or sale to be set aside on payment of the value of improvements, if any, effected by the decree-holder or order the excess amount drawn by the decree-holder to be refunded:

Provided that no such order shall be made without notice to the decree-holder and other persons interested in such sale or foreclosure and without affording them an opportunity to be heard in the matter.

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(2) Where a sale is set aside under sub-section (1) the decree-holder shall have a charge subject to previous charges, if any, existing on the date of the sale on the property sold for the amount of the decree debt as scaled down under the provisions of this Act, which shall be enforceable in execution proceedings.

Income-tax Commissioner to furnish information as to certain facts.

29. Any creditor may apply to the Commissioner of Income-tax for information as to whether his debtor has been assessed to income-tax in terms of proviso (*a*) to section 3 (*ii*) and the Commissioner of Income-tax shall thereupon furnish such information and grant to such creditor a memorandum in the prescribed form as to whether the debtor has been so assessed to inceme-tax. Such memorandum shall be received in every court as evidence of the facts stated therein.

Executive authority of Municipality to furnish information as to certain facts.

30. Any creditor may apply to the executive authority of a municipality, for information as to whether his debtor was or is assessed to profession, property or house-tax and the executive authority shall thereupon grant to such creditor a certificate in the prescribed form as to whether the debtor named in the application has been assessed to profession, property or house-tax and the amount for which he is so assessed. Such certificate shall be received in every court as evidence of the facts stated therein.

Power to make rules.

31. (1) Government may make rules for carrying into effect the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, Government may make rules—

(*a*) in regard to any matter which is required to be prescribed by this Act;

(*b*) prescribing the form of, and the fees to be paid in respect of, applications under this Act; and

(*c*) for removing any difficulty in giving effect to the provisions of this Act.

(3) All rules made under this section shall be consistent with the provisions of this Act. They shall be published in the Cochin Government Gazette and upon such publication, shall have effect as if enacted in this Act.

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